

BAR BULLETIN

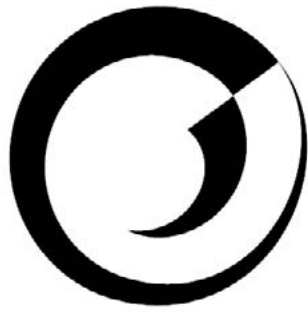
February 9, 2022 • Volume 61, No. 3



Walking Tree, by Ron Schwartz (see page 5)

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& SPINE CARE**

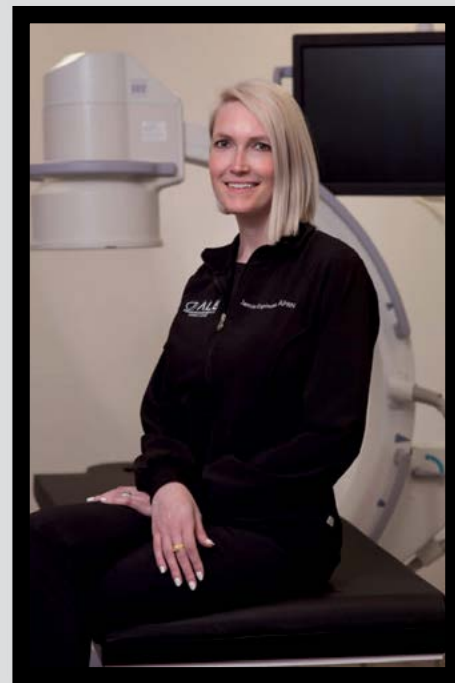
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Why Should YOU Attend the STATE BAR OF NEW MEXICO 2022 ANNUAL MEETING



Invest in Yourself

Admit you're worth it by investing in your career, your growth, and our legal community!



Local Education

Programming built specifically for New Mexican practitioners by New Mexican practitioners.



Network

Put yourself out there to connect with members across the state!



Sharpen the Saw

Learn new ideas and approaches to be effective and efficient in your practice area.



Learning in New Spaces

Tired of the office and Zoom view? Learn offsite at a resort!



Support Local

Your registrations help to invest in our community!



Expand Your Horizons

Attend a presentation that might not be in your usual compliance credits.



Your Attendance Matters More

National conferences have a lot of fish in the sea. With a smaller local pond, the bigger your splash!



Have Fun!

August 11-13, 2022 • Hyatt Regency Tamaya Resort and Spa



State Bar of
New Mexico

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Save
the
Date!



**State Bar of
New Mexico**
Est. 1886

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Meetings

February

- 9**
Tax Section
9 a.m., teleconference
- 10**
Children's Law Section
noon, teleconference
- 11**
Cannabis Law Section
9 a.m., teleconference
- 11**
Prosecutors Section
noon, teleconference
- 15**
Solo and Small Firm Section
noon, teleconference
- 17**
Public Law Section
noon, teleconference
- 18**
Family Law Section
9 a.m., teleconference
- 22**
Natural Resources Energy and Environmental Law Section
noon, teleconference
- 23**
Trial Practice Section
noon, teleconference

Workshops and Legal Clinics

February

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

March

- 3**
Divorce Options Workshops
6-8 p.m., virtual
- 24**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

April

- 7**
Divorce Options Workshops
6-8 p.m., virtual
- 24**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

May

- 5**
Divorce Options Workshops
6-8 p.m., virtual
- 26**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

About Cover Image and Artist: Ron Schwartz photographs in a variety of locations by mostly New Mexico. Most of his work is from rural settings showing landscapes and wildlife. He interjects his sense of imagination in many of his photos. His work has been displayed at O'Neill's Pub, Blue Portal, La Montanita Co-Op, Weems Gallery, and the Black Grove Design Company. For more information, call 505-220-0589 or email rschwartz49@gmail.com.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

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

Third Judicial District Court Candidate Announcement

The Third Judicial District Court Judicial Nominating Commission convened in-person on Jan. 19 and completed its evaluation of the three applicants to fill the vacancy on the Third Judicial District Court due to the retirement of Judge Marci Beyer effective Dec. 31, 2021. The Commission recommends the following candidate to Governor Michelle Lujan Grisham: **Jeanne H. Quintero**.

Bernalillo County Metropolitan Court Candidate Announcement

The Bernalillo County Metropolitan Court Judicial Nominating Commission convened on Jan. 25 at the Metropolitan Courthouse, located at 401 Lomas NE, Albuquerque, New Mexico, and completed its evaluation of the eight candidates for the one vacancy on the Bernalillo County Metropolitan Court due to the retirement of the Judge Henry A. Alaniz effective Dec. 31, 2021. The Commission recommends the following candidates to Governor Michelle Lujan Grisham in alphabetical order: **Steven Gary Diamond, Claire Ann McDaniel, Nina Safier and Juan Carlos Scarborough**.

Professionalism Tip

With respect to my clients:

I will keep my client informed about the progress of the work for which I have been engaged or retained, including the costs and fees.

Reassignment of Cases

Effective Jan. 18, Judge Joshua J. Sánchez, Division IV, transferred from the Metropolitan Court Felony Division and to the misdemeanor criminal cases previously assigned to recently-retired Judge Henry A. Alaniz, Division XVII. Division XVII will be assigned felony cases previously assigned to Judge Sánchez, Division IV.

New Mexico Secretary of State Important Information For Notary Publics and Notarial Officers

In 2021, the State of New Mexico enacted the Revised Uniform Law on Notarial Acts, aka RULONA (Sections 14-14-A1 to 14-14A-32 NMSA 1978) which is effective Jan. 1, 2022. This change in law impacts every current and future commissioned notary public. RULONA makes a distinction between a notary public and a notarial officer. A notarial officer is not commissioned to perform a notarial act, but is authorized to perform a notarial act by certain authority, including individuals who are authorized to practice law in New Mexico, a New Mexico Judge, or New Mexico county clerk or deputy county clerk. A notarial officer authorized to practice law in New Mexico is authorized to practice notarial acts with no expiration but shall maintain an active license to practice law. The commission expiration date is December 31, 2021, for a notarial officer authorized to practice law in this state who was commissioned under the previous Uniform Law on Notarial Acts. All notarial officers will be required to get new official stamps to meet new legal requirements, keep a mandatory journal of notarial acts, and pass a training examination before being recommissioned. The new law also provides for notarial officers to apply with the Secretary of State to become authorized to perform remote online notarizations. Notarial officers are required to have an official stamp that follows statutory requirements that is on file with the Secretary of State before the notarial officer performs a notarial act.

RULONA also provides that a judge of a court of this state, a court clerk or deputy court clerk of this state while performing a notarial act within the scope of the clerk's duties, and an individual licensed to practice law in this state are "notarial officers" and may perform notarial acts without applying to become a commissioned notary public. The Secretary of State's Office has additional information about the changes and new requirements on their website that all current or prospective notaries should review. That information can be found by going to www.sos.state.nm.us/ or by calling the Secretary of State's Office Business Services Division at 505-827-3600.

STATE BAR NEWS License Renewal and MCLE Compliance—Now Overdue

State Bar of New Mexico licensing certifications and fees and Minimum Continuing Legal Education requirements were due Feb. 1, 2022. The Supreme Court of New Mexico recently revised the rules relating to attorney licensing and MCLE (see NMSC Order No. 21-8300-030). For more information, visit www.sbnm.org/compliance

To complete your licensing certifications and fees and verify your MCLE compliance, visit www.sbnm.org and click "My Dashboard" in the top right corner. If you have not logged into our website recently, you will need to choose "Forgot Password." For questions about licensing and MCLE compliance, email mcle@sbnm.org or call 505-797-6054. For technical assistance accessing your account, email techsupport@sbnm.org or call 505-797-6018.

New Mexico Judges and Lawyers Assistance Program Defenders in Recovery

Defenders in Recovery meets every Wednesday night at 5:30 p.m. The first Wednesday of the month is an AA meeting and discussion. The second is an NA meeting and discussion. The third is a book

study, including the AA Big Book, additional AA and NA literature including the Blue Book, Living Clean, 12x12 and more. The fourth Wednesday features a recovery speaker and monthly birthday celebration. These meetings are open to all who seek recovery. We are a group of defenders supporting each other, sharing in each other's recovery. We are an anonymous group and not affiliated with any agency or business. Anonymity is the foundation of all of our traditions. Who we see in this meeting, what we say in this meeting, stays in this meeting. For the meeting link, send an email to defendersinrecovery@gmail.com or call Jen at 575-288-7958.

Employee Assistance Program

NMJLAP contracts with The Solutions Group, The State Bar's EAP service, to bring you the following: FOUR FREE counseling sessions per issue, per year. This EAP service is designed to support you and your direct family members by offering free, confidential counseling services. Check out the MyStress Tools which is an online suite of stress management and resilience-building resources. Visit www.sbnm.org/EAP or call 866-254-3555. All resources are available to members, their families, and their staff. Every call is completely confidential and free.

Free Well-Being Webinars

The State Bar of New Mexico contracts with The Solutions Group to provide a free employee assistance program to members, their staff, and their families. Contact the solutions group for resources, education and free counseling. Each month in 2022, The Solutions Group will unveil a new webinar on a different topic. In January, focus on getting into the right frame of mind for the new year. February's topic is honoring grief and loss. Starting Feb. 17, watch "Navigating Through Grief and Loss," covering ways to say goodbye as well as navigating the five stages of grief in a healthy way. View all webinars at www.solutionsbiz.com or call 866-254-3555.

Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. on Mondays by Zoom. This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues, to know you are not in this alone and feel a sense of belonging. We laugh, we cry, we BE together. Email Pam Moore at pmoore@sbnm.org or Briggs Cheney at bcheney@dsc-law.com for the Zoom link.

NMJLAP Committee Meetings

The NMJLAP Committee will meet at 10 a.m. on April 2 and July 9. The NMJLAP 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 NMJLAP 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 Judges and Lawyers Assistance Program and is a network of more than 30 New Mexico judges, attorneys and law students.

UNM SCHOOL OF LAW Law Library Hours

Due to COVID-19, UNM School of Law is currently closed to the general public. The building remains open to students, faculty and staff, and limited in-person classes are in session. All other classes are being taught remotely. The law library is functioning under limited operations, and the facility is closed to the general public until further notice. Reference services are available remotely Monday through Friday, from 9 a.m.-6 p.m. via email at UNMLawLibref@gmail.com or voice-mail at 505-277-0935. The Law Library's document delivery policy requires specific citation or document titles. Please visit our Library Guide outlining our Limited Operation Policies at: <https://libguides.law.unm.edu/limitedops>.

— *Featured* —

Member Benefit



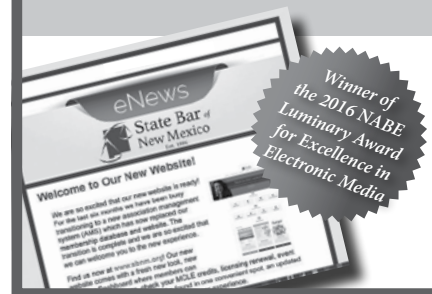
Fastcase is a free member service that includes cases, statutes, regulations, court rules and constitutions.

This service is available through www.sbnm.org. Fastcase also offers free live training webinars. Visit www.fastcase.com/webinars to view current offerings. Reference attorneys will provide assistance from 8 a.m. to 8 p.m. ET, Monday–Friday.

Customer service can be reached at 866-773-2782 or support@fastcase.com. For more information, contact Christopher Lopez, clopez@sbnm.org or 505-797-6018.

eNews

Check your email every Friday morning for a quick-glance update of State Bar programming and deadlines.



Legal Education

February

- | | | |
|---|---|---|
| <p>9 2022 Ethics Update Part 2
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>9 Staying Secure Electronically
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>10 Responding to Demand Letters:
Tone and Substance
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>10 Top 10 Music Copyright Cases of
All Time
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>16 REPLAY: Whistleblowers Bring
Medicaid Fraudsters to Justice
(2021)
1.3 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>17 REPLAY: The Competency Process
in the Criminal Justice System
(2020)
2.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>18 Ethics and Digital Communications
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>22 Trust and Estate Planning for
Family Businesses, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>23 Trust and Estate Planning for
Family Businesses, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>23 REPLAY: Trauma Informed
Meditation (2021)
3.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>25 REPLAY: NM Paid Sick Leave and
Workplace Privacy Issues (2021)
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
|---|---|---|

March

- | | |
|--|--|
| <p>2 How To Make Cross-Examination
An Open Book Exam at Trial and at
In-Person or Online Depositions
1.5 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>3 Networking Professionally and
Ethically
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>25 How To Stay “Professional” When
Videoconferencing: It’s Not As
Hard As You Think!
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> <p>30 “When there are Nine” - Sexual Bias
in the Legal Profession
1.0 EP
Live Webinar
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.



New Inductees to the Roehl Circle of Honor

Lisa K. Curtis and Edward “Ned” W. Shepherd

— Oct. 27, 2021 —

Two new attorneys were inducted into the Roehl Circle of Honor. The Circle of Honor is named after the late Joseph E. Roehl who is known as one of the premier trial lawyers of our generation. New inductees are welcomed into the circle each year to honor his memory and commitment to the trial lawyer community.

Lisa Curtis is the founding partner of Curtis & Co. Law Firm. For 28 years, Lisa has prosecuted negligent and reckless corporations, people, insurance companies and the government in civil cases for New Mexico's working families, dedicating her career to helping and protecting victims killed or permanently harmed because of the wrongful conduct of others. She attended the University of New Mexico School of Law, graduating in 1993.



Lisa Curtis, Jerry Roehl, and Ned Shepherd

Ned Shepherd is Of Counsel with Allen Shepherd & Lewis, P.A. He concentrates his practice primarily in insurance defense including construction defects, professional liability defense for dentists, physicians, hospitals and other health care providers, attorneys, architects, engineers, and accountants; products liability, appeals, bad faith claims, and other areas of general tort litigation. He received his undergraduate degree in criminology from the University of Albuquerque, where he graduated *magna cum laude* in 1978. In 1982, Shepherd graduated from Texas Tech University School of Law in the top 10% of his class.



Dear Members,

The State Bar of New Mexico's Committee on Diversity in the Legal Profession has reported on the status of diverse members in the legal profession for several decades now. More recently, our Committee on Women and the Legal Profession began reporting on the status of women attorneys. As we progress as a community and commit ourselves to equal access to justice in our profession, we see the need for specific programming and education to address inequities in the legal profession. As part of our commitment to our members-all of our members- the State Bar of New Mexico hired our Equity in Justice Program Manager, Dr. Amanda Parker, during the fall of 2021.

Dr. Parker earned her doctorate focused on race studies and educational inequities from University of New Mexico in 2020. She has an MA in Educational Thought and Sociocultural Studies where she focused on the school to prison pipeline, and a BA in History. She is from New Mexico and has taught at the K-12 and college levels and is still involved in the academic community as a writer, presenter, and educator on issues of race and gender. She brings the knowledge that is needed to build this programming, a collaborative spirit, and extensive experience educating people and building community.

We recognize the commitment that it takes to build and sustain a diverse, inclusive and equitable legal community. Many of our goals are related to research, education, accountability for established policies, and recruiting youth from underrepresented groups into the legal profession. We have launched our Equity in Justice webpage: www.sbnm.org/eij. We encourage you to check it out and stay tuned for our CLEs and other programming this spring. Our CLEs are targeted toward lawyers who want foundational knowledge, more specialized topics, and will offer opportunities for lawyers who are involved in social and racial justice work to workshop and problem-solve as a community. We can also offer training for individual law firms and legal organizations.

We hope you will join us in our efforts. There is a place for everyone in this work and it will take a long-term commitment and sustained effort to transform our profession. If you have any ideas or would like to get involved, please email Dr. Parker at amanda.parker@sbnm.org.



Carolyn A. Wolf
2022 President
State Bar of New Mexico




Richard B. Spinello
Executive Director
State Bar of New Mexico

Do you have federal student loans?



- ▶ In March 2020, the federal government suspended all loan payments and set interest rates to 0% on federal student loans.
- ▶ This federal student loan forbearance ends on **MAY 1, 2022**.

What do I need to do now to get ready to resume payments on my student loans?



- ▶ Update your contact information on both your loan servicer's website and on your StudentAid.gov profile.
- ▶ Check to see if the repayment plan you were enrolled in prior to federal student loan forbearance still meets your needs.
 - ▶ If you were previously enrolled in autopay, you may need to re-enroll.
- ▶ If you are enrolled in an income-driven repayment (IDR) plan and you have had any change in financial or family situation since March of 2020, visit StudentAid.gov to request a recalculation of your payment.
 - ▶ StudentAid.gov has a new Loan Simulator tool help you figure out what payment plan is best for you!
- ▶ Your loan servicer is required to give you a 21-Day advance payment of when your first payment is due – including principal and interest

What if I graduated law school after March 2020 and have not yet made a payment on my student loans?



- ▶ When you graduate or leave school, you typically have a six-month grace period before you are required to start making payments.
- ▶ You should have been assigned a student loan servicer and automatically enrolled in a standard repayment plan.
- ▶ If you are not sure who your servicer is or want to change your repayment plan, you can do so via your StudentAid.gov account.

What if I am working towards Public Service Loan Forgiveness (PSLF)?



- ▶ PSLF is a federal program that forgives student loan debt for borrowers who work full-time for a government or non-profit and have made 120 qualifying payments on their student loans.
- ▶ **The Department of Education recently enacted new rules for the PSLF program.**
 - ▶ Student loan borrowers have until **October 22, 2022** to apply for credit for past payments on loans that would not otherwise qualify for PSLF.
 - ▶ There are two requirements for eligibility for the limited waiver: 1) you must have worked full-time for a qualifying employer while you made the payments and 2) your loans must be consolidated into the Direct Loan program.
 - ▶ Learn more at <https://studentaid.gov/announcements-events/pslf-limited-waiver>.

Questions or Concerns About Your Federal Student Loans?



- ▶ The Department of Education has a Federal Student Aid Ombudsman Group available to provide technical assistance for concerns with student loans. Contact the Ombudsman at 1-877-557-2575.
- ▶ For more on budgeting and managing your student loan repayment, visit the NM Young Lawyers Division's Student Loan Debt Resource Page at <https://tinyurl.com/fakm55kk>



Anna M. Aragon has been appointed to the N.M. Judicial Performance Evaluation Commission. Aragon is a New Mexico native who has had her own law practice specializing in criminal defense and family law in Las Vegas, N.M., since 1984. She began her career in child support enforcement and later worked for two years in the District Attorney's Office. She earned her law degree from the University of New Mexico School of Law.



Kaela S. Holmen has joined the Law Offices of Erika E. Anderson. She specializes in medical malpractice, employment, and personal injury. Holmen also proudly serves her country state of New Mexico as a Judge Advocate General attorney for the New Mexico Army National Guard. Holmen graduated from UNM School of Law in 2018 where she served as an editor for the *Natural Resources Journal*.



Liliana Benitez De Luna has joined Modrall Sperling's Albuquerque office, practicing in the areas of labor and employment law, personal injury litigation and commercial disputes. Prior to joining Modrall Sperling, Benitez De Luna was a litigator at a prominent New Mexico law firm where she represented clients in personal injury litigation, collateral-recovery actions, employer/employee disputes and in general litigation.



Melissa Kountz has joined Modrall Sperling's Albuquerque office, centering her practice around civil defense litigation. With over eight years of experience, Kountz is well versed in employment law, including defending against discrimination claims, retaliation claims, wrongful termination claims, and more. She has extensive experience with labor issues, including representation proceedings, negotiations and defending prohibited practice complaints.



Tessa Chrisman has joined Modrall Sperling and practices in the firm's Litigation department, focusing on labor and employment law, education law, personal injury and commercial disputes. She attended the University of New Mexico and the Sandra Day O'Connor College of Law at Arizona State University (J.D., *magna cum laude*). While in law school, she served as a Judicial Extern for Judge James O. Browning at the U.S. District Court for the District of New Mexico.



Will Lusk-Claiborne has joined the Law Offices of Erika E. Anderson. He brings with him experience in special education complaint investigation, education administration, union negotiations and teaching. Prior to graduating from the University of New Mexico School of Law with academic honors in 2021, Lusk-Claiborne taught English as a foreign language in Spain for six years.

Jones, Skelton & Hochuli is pleased to welcome associate attorney **Ashley Cook** to its transportation trial team. She will also assist with personal injury defense, insurance defense, coverage matters and medical malpractice cases. Before joining JSH, Cook gained experience at a civil- and trial-focused firm and a bankruptcy firm. While attending the University of New Mexico School of Law, Cook worked for a solo practitioner and clerked for the U.S. Department of Justice Office of International Affairs.



Deborah E. Mann has been elected shareholder at Sutin, Thayer & Browne. For more than 26 years, Deb has represented New Mexico's health care providers on regulatory issues and serves as chair of Sutin's health law group. Mann also drafts legislation for progress in health law and testifies as an expert before legislative committees. Best Lawyers recognized her as 2021 Albuquerque Health Care Lawyer of the Year.



Margaret Hickey has joined Modrall Sperling and focuses her practice on federal and state taxation, tax controversies, estate planning, trust and probate law, business law, non-profit law, and real property law. Prior to practicing law, Margaret was a licensed land title examiner and has experience with the complexities of real estate transactions. She received her L.L.M. in Taxation from New York University School of Law and her J.D. from Loyola University New Orleans College of Law.



Tina Muscarella Gooch has been elected shareholder at Sutin, Thayer & Browne. She represents clients in civil and complex commercial litigation, including employment, easement disputes, construction, cannabis, and constitutional law. In addition to handling general civil litigation matters in State and Federal Court, she heads the Firm's cannabis practice group. She serves on the Board of the Cannabis Law Section of the State Bar of New Mexico.



Brownstein Hyatt Farber Schreck announces the elevation of **Reema Nandy** as shareholder. She is a member of the firm's Litigation Department in Albuquerque. Her experience in both the public and private sectors makes her a particularly effective commercial litigator. Pulling from her experience in civil litigation and criminal prosecution, she navigates complex legal matters with skill and intelligence.



Bryce Smith has joined Modrall Sperling and focuses on litigation and natural resources. He is currently working in the Litigation Department on personal injury claims and commercial disputes. Within the Natural Resources Department, Bryce's practice includes representing Oil & Gas clients before the New Mexico Oil Conservation Division. Bryce received his undergraduate degrees from New Mexico State University with honors, and his J.D. from Baylor Law School, graduating *magna cum laude*.



Randall D. Roybal has retired. He was the executive director and general counsel of the New Mexico Judicial Standards Commission and worked for the agency since 1998. Roybal earned his undergraduate degree from the University of New Mexico in 1988, and his law degree from Notre Dame in 1991.



Rachel Wisniewski has joined Modrall Sperling and practices in the firm's Transactions and Litigation departments. Prior to practicing law, Rachel's career focused on all aspects of government contracting across aviation, maritime and economic development sectors. She specializes in managing complex procurements as well as contract drafting, administration and compliance. She attended Western Washington University (undergraduate degrees) the University of New Mexico School of Law (*summa cum laude*).

In Memoriam



Randolph "Randy" Felker passed away Nov. 3, 2021, in the comfort of his home following a brief illness. He was the oldest of six siblings, born April 4, 1944. With a strong sense of love for country, Randy joined the New Mexico Air National Guard after graduating from the University of New Mexico in 1966 and entered pilot training. He was selected for F-100 fighter training at Cannon AFB in April 1967 and later transitioned to the A-7 in February 1974

accumulating over 2,800 total flying hours. Randy flew with the "Flying Tacos" for 25 years of dedicated service before retiring in 1990 with the rank of Lt Colonel. Randy often said he "had a great time flying fighters and couldn't believe they paid me to do it." While serving with the N.M. Air National Guard, Randy went on to receive a Juris Doctor Degree from the University of New Mexico School of Law in 1972 and became a prominent Santa Fe attorney while maintaining a dual career as attorney and pilot. Immediately following law school he was hired as an Assistant Attorney General for the state of N.M. until January 1974 when he opened his own law office. His wealth of knowledge and remarkable intellect was increasingly noticeable as he developed a successful and illustrious law career. He quickly became a respected litigator and a tenacious advocate for his clients, many of whom also became his friends. Equally at home in a flight suit, fishing waders or a tuxedo, Randy was an avid pilot, fisherman, reader, hunter, and a pretty fair dancer. He enjoyed, among other things, the opera, museums, travel, the annual Scottsdale car auction and a campfire with family and friends. Many of his friends' children caught their first fish under his patient guidance or went for their

first airplane ride in his Beechcraft Bonanza. Having breakfast every morning with his 'breakfast club' friends and colleagues brought great enjoyment to his active life. Randy shared a ranch in Northern New Mexico with some of his friends where he enjoyed spending many summer weekends taking in the joys of various outdoor activities. He loved spending time with valued friends and family. However, his many accomplishments and his tenacious spirit, enthusiasm, sacrifice and courage paled in comparison to his dedicated love for Barbara, as well as for his friends and family. Everyone who knew him will miss his presence; however, as each of us in life can hope, Randy has left a special place in the hearts of all those who were honored to call him colleague, friend, and family. As Ralph Waldo Emerson said, "It is not the length of life but the depth of life." He leaves behind a legacy of fond memories that will be cherished by many.

Ralph Scheuer passed away on Dec. 12, 2021, at the age of 75. He is survived by his wife of 50 years, Anne; his daughters, Elyse and Stephanie; his grandchildren, Daphne, Zachary, Eila and Sadie; and his sweet dog, Jackson. Ralph spent his early childhood in Clayton, N.M., and resided in Santa Fe thereafter. After completing his undergraduate studies at the University of Colorado, he earned his law degree from the University of Virginia. Originally a founding partner of Scheuer, Yost, & Patterson and subsequently the founder of Scheuer Law Firm, Ralph's tireless passion for the law garnered the utmost respect of colleagues, clients and family. The enjoyment he derived from the law was equaled by his love of red chile, rare steak, gin and well-tailored suits. Ralph is deeply missed by his family and close friends, whose company he cherished. The fond memories of Ralph held in our hearts and minds will remain indelible.

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 January 14, 2022

PUBLISHED OPINIONS

None

UNPUBLISHED OPINIONS

A-1-CA-38572	State v. I Managan	Affirm	01/10/2022
A-1-CA-39640	C Conran v. Southern Sandoval County Arroyo Flood Control Authority	Affirm	01/10/2022
A-1-CA-39776	CYFD v. Dolores F	Affirm	01/10/2022
A-1-CA-38573	State v. J Radosevich	Affirm	01/11/2022
A-1-CA-37562	State v. V Marquez	Affirm	01/12/2022
A-1-CA-39604	CYFD v. Rudy M	Affirm	01/12/2022
A-1-CA-38492	State v. J Cummings	Affirm	01/13/2022

Effective January 21, 2022

PUBLISHED OPINIONS

A-1-CA-38131	Central Market v. Multi-Concept Hospitality	Affirm/Remand	01/19/2022
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UNPUBLISHED OPINIONS

A-1-CA-38804	AFSCME Local 923 v. City of Espanola	Affirm	01/19/2022
A-1-CA-39195	State v. B Aguilar	Affirm	01/20/2022

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

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

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

Joey D. Moya, Chief Clerk New Mexico Supreme Court
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CLERK'S CERTIFICATE OF SECOND AMENDED LIMITED ADMISSION

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CLERK'S CERTIFICATE OF WITHDRAWAL

Effective December 21, 2021:
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Effective January 18, 2022:
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Effective December 31, 2021:
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Effective January 1, 2022:
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Ranchos de Taos, NM 87557

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Charlottesville, VA 22901

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Effective December 31, 2021:
Peter G. Tasso
13223 Emery Point Avenue,
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CLERK'S CERTIFICATE OF NAME CHANGE

As of December 7, 2021:
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Christina Andrea Vigil**
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N. Ninham**
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coaktr@nmcourts.gov

**CLERK'S CERTIFICATE
OF INDEFINITE
SUSPENSION FROM
MEMBERSHIP IN THE
STATE BAR OF NEW
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**CLERK'S CERTIFICATE
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Rules/Orders

<http://nmsupremecourt.nmcourts.gov>

From the New Mexico Supreme Court

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF THE STATE OF NEW MEXICO

In the Matter of RICHARD A. SANDOVAL, ESQ.

Disciplinary No. 2021-06-4493

An Attorney Licensed to Practice Law before the Courts of the
State of New Mexico

FORMAL REPRIMAND

You are being issued this Formal Reprimand pursuant to the *Conditional Agreement Admitting the Allegations and Consent to Discipline* you entered into which was approved by both a Hearing Committee and a Disciplinary Board Panel.

This matter arises from a complaint by a former client (“complainant”), who retained you in October 2016 regarding injuries from a slip-and-fall on October 13, 2016. On or about January 9, 2017, you sent a letter-notification of representation to the premises where the accident occurred.

According to the complainant, he spoke with your paralegal about every six months but never met with you and rarely spoke with you. The paralegal assured him that the “case” was progressing well.

Then, on or about October 9, 2019—four days before the statute of limitations ran—the complainant was informed that you would not represent him. You maintain that the complainant did not have a viable claim.

During the investigation of the complaint, your paralegal reported that she told the complainant several months before October 9, 2019 that he should get a new lawyer. However, assuming that is accurate, you should have memorialized that advice and you should have terminated the representation much sooner.

You admitted that you violated Rules 16-101 and 16-103, by failing to competently and diligently represent your client; Rule 16-104(A), by failing to reasonably consult with your client; Rule 16-116(D), by failing to give reasonable notice and allowing time for employment of other counsel upon termination of representation; and Rule 16-804(D), by engaging in conduct prejudicial to the administration of justice.

Your cooperation in this matter and your acceptance of responsibility are mitigating factors which prevented the possibility of a more serious sanction.

You are hereby formally reprimanded for these acts of misconduct pursuant to Rule 17-206(A)(5) of the Rules Governing Discipline. The formal reprimand will be filed with the Supreme Court in accordance with 17-206(D) and will remain part of your permanent records with the Disciplinary Board, where it may be revealed upon any inquiry to the Board concerning any discipline ever imposed against you. In addition, in accordance with Rule 17-206(D), the entire text of this formal reprimand will be published in the State Bar of New Mexico Bar Bulletin.

Dated January 21, 2021

**The Disciplinary Board of the New Mexico Supreme Court
Hon. Cynthia A. Fry (ret’d), Board Chair**

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF THE STATE OF NEW MEXICO

IN THE MATTER OF JEREMY SCHMEHL, ESQ.

Disciplinary No. 2021-07-4498

An Attorney Licensed to
Practice Law before the Courts
of the State of New Mexico

FORMAL REPRIMAND

You are being issued this Formal Reprimand pursuant to a *Conditional Agreement Admitting the Allegations and Consent to Discipline*, which was approved by a Disciplinary Board Hearing Committee and a Disciplinary Board Panel.

You were employed by the City of Albuquerque’s legal department as an assistant City Attorney from August 6, 2016, to April 12, 2019. You served as lead counsel for the City in a high-profile federal court case which has a consent agreement. You advised the City on a wide range of matters related to the City’s obligations pursuant to the consent agreement.

On April 29 and May 4, 2021, you sent email correspondence to the presiding judge in the case (community members may submit letters), without the prior knowledge or consent of the City. The emails contain your personal opinions; criticisms of an

individual who is tasked with monitoring compliance with the consent agreement; and are replete with references to your work while employed with the City. You thus conveyed the appearance that you were speaking on behalf of the City, which was decidedly not the case, requiring the City to take actions to disavow your communications.

You have been forthright and cooperative in the disciplinary process and have expressed genuine remorse—all mitigating factors. We are confident that you have learned from the experience: a positive outcome of the disciplinary process.

Your conduct violated Rule 16-106(A) of the Rules of Professional Conduct, by revealing information to the representation of a client without the client’s informed consent.

You are hereby formally reprimanded for these acts of misconduct pursuant to Rule 17-206(A)(5) of the Rules Governing Discipline. The formal reprimand will be filed with the Supreme Court in accordance with 17-206(D) and will remain part of your permanent records with the Disciplinary Board, where it may be revealed upon any inquiry to the Board concerning any discipline ever imposed against you. In addition, in accordance with Rule 17-206(D), the entire text of this formal reprimand will be published in the State Bar of New Mexico Bar Bulletin.

Dated January 21, 2022

**The Disciplinary Board of the New Mexico Supreme Court
Hon. Cynthia A. Fry (ret’d), Board Chair**

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2022-NMSC-001

No. S-1-SC-37478 (October 4, 2021)

GREGORY CRUTCHER, individually
and on behalf of other similarly situated individuals,
Plaintiff,

v.

LIBERTY MUTUAL INSURANCE COMPANY, LIBERTY PERSONAL INSURANCE COMPANY, FIRST NATIONAL INSURANCE COMPANY OF AMERICA, SAFECO INSURANCE COMPANY OF AMERICA, and SAFECO NATIONAL INSURANCE COMPANY,
Defendants.

ON CERTIFICATION FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT COURT OF NEW MEXICO

Judith C. Herrera, District Judge

Released for Publication January 18, 2022.

Law Office of Kedar Bhasker
Kedar Bhasker
Albuquerque, NM

Allen Law Firm, P.C.
Meena H. Allen
Albuquerque, NM

Corbin Hildebrandt, P.C.
Corbin P. Hildebrandt
Albuquerque, NM

Baker & Hostetler LLP
Rodger L. Eckelberry
Columbus, OH

Law Offices of Geoffrey R. Romero
Geoffrey R. Romero
Albuquerque, NM

for Defendants

Allen, Shepherd, Lewis & Syra, P.A.
Brant L. Lillywhite
Albuquerque, NM

Freedman Boyd Hollander Goldberg
Urias & Ward, P.A.
David Alan Freedman
Albuquerque, NM

for Amici Curiae American Property and Casualty Insurance Association and National Association of Mutual Insurance Companies

for Plaintiff

OPINION

THOMSON, Justice.

I. INTRODUCTION

{1} This case comes to us on certification from the United States District Court for the District of New Mexico. It requires us to determine whether the underinsured motorist (UIM) coverage on a policy that provides minimum uninsured/underinsured motorist (UM/UIM) limits of \$25,000 per person/\$50,000 per accident

is illusory for an insured who sustains more than \$25,000 in damages caused by a minimally insured tortfeasor. If so, then we must decide whether insurance companies may charge premiums for such a policy. While the allegations contained within the Class Action Complaint are broader, this opinion addresses only the certified question.

{2} We conclude that this type of policy is illusory in that it may mislead minimum UM/UIM policyholders to believe that they will receive underinsured motorist

benefits, when in reality they may never receive such a benefit. We therefore hold that an insurer must adequately disclose the limitations of minimum UM/UIM coverage—namely, that under the policies described in this case, a policyholder may never receive underinsured motorist coverage. Without this disclosure, an insurer may not charge a premium for minimum underinsured coverage.

II. BACKGROUND

{3} In 2006, Defendant First National Insurance Company of America (“First National”) issued a minimum limits automobile insurance policy to Gregory Crutcher. The policy provided Mr. Crutcher with the statutory minimum of both liability insurance and uninsured/underinsured motorist insurance, or coverage up to \$25,000 per person and \$50,000 per occurrence.

{4} In 2008, the policy was transferred from First National to Defendant Safeco Insurance Company of America (“Safeco”). Every month for twelve years (2006-2018), Mr. Crutcher paid two premiums towards his auto insurance policy: one for liability insurance and one for UM/UIM insurance. Safeco renewed Mr. Crutcher’s policy annually through 2018.

{5} Uninsured motorist (UM) insurance coverage protects drivers who are damaged by a tortfeasor who does not have automobile insurance. *See* NMSA 1978, § 66-5-301(A) (1983). UIM insurance coverage protects drivers who are hit by a tortfeasor who does not have enough auto insurance to cover the cost of the driver’s injuries and damages. *See* § 66-5-301(B). Pursuant to the statute, a policyholder is underinsured when there is a difference between the injured driver’s uninsured/underinsured motorist insurance and the tortfeasor’s liability insurance. *See id.* Although seemingly straightforward, these statutory provisions are more complicated than they appear.

{6} New Mexico law requires every driver to carry auto liability insurance of at least \$25,000 per person and \$50,000 per occurrence and UM/UIM insurance coverage of at least the same amount. *See* NMSA 1978, § 66-5-215(A)(1)-(2) (1983); § 66-5-301(A). This is described as a “minimum limits” policy because it is the absolute minimum amount of insurance that a driver is legally required to carry. *See Progressive Nw. Ins. Co. v. Weed Warrior Servs.*, 2010-NMSC-050, ¶ 8, 149 N.M. 157, 245 P.3d 1209. A driver pays one premium for UM and UIM coverage.

{7} In 2017, Mr. Crutcher was involved in a car accident when another driver (tortfeasor) failed to stop at a traffic signal and crashed into his car. As a result of the

collision, Mr. Crutcher sustained injuries, including a broken collarbone. Like Mr. Crutcher, the tortfeasor had purchased only a minimum limits automobile insurance policy. That is, he carried auto liability insurance of \$25,000 per person and \$50,000 per occurrence. Damages resulting from Mr. Crutcher's injuries exceeded \$50,000.

{8} Following the accident, Mr. Crutcher filed a claim with the tortfeasor's insurance company (USAA). In response to his claim, USAA paid Mr. Crutcher \$25,000, or the full amount of the tortfeasor's liability policy which covered some of the expenses incurred by the accident. After receiving the \$25,000 liability coverage limit from the tortfeasor's insurance company, Mr. Crutcher filed a claim with his own insurance company, assuming he would receive at least \$25,000 through his uninsured/underinsured motorist benefits to recover the balance of his damages. However, Safeco denied the claim, giving rise to this dispute.

{9} Mr. Crutcher and Safeco present alternate reasoning for the denial of the claim. In denying his claim, Mr. Crutcher inferred that Safeco applied the offset rule we announced in *Schmick v. State Farm Mutual Automobile Insurance Co.*, 1985-NMSC-073, 103 N.M. 216, 704 P.2d 1092. As we will explain in more detail, the *Schmick* offset rule allows an accident victim's insurance company to subtract whatever the driver receives from the tortfeasor's insurance company from the payment due to its own policyholder. *Id.* ¶ 24. Mr. Crutcher reasoned that Safeco applied *Schmick* and deducted what he received from USAA (\$25,000) from what he was eligible to receive through his Safeco policy's UM/UIM coverage (\$25,000), and the resulting benefit was zero.

{10} Although Safeco agreed that the application of the *Schmick* offset rule would have resulted in no UIM payment, its denial of Mr. Crutcher's claim was not based on this rule. Rather, Safeco concluded that the tortfeasor did not meet the definition of an uninsured motorist pursuant to the statute because the total limits of liability insurance were equal to Mr. Crutcher's UM/UIM coverage limits. See § 66-5-301(B). Regardless of the reason for Safeco's denial of Mr. Crutcher's claim, we must determine whether it may charge a premium for a policy that cannot be fulfilled.

{11} Following Safeco's denial of his claim, Mr. Crutcher filed a class action lawsuit in the Second Judicial District Court against Safeco, Liberty Mutual Insurance Company, Liberty Personal Insurance Company, and Safeco National Insurance Company. Mr. Crutcher sought class certification for insured persons who

find themselves with no UIM coverage, despite having paid regular premiums for it. On behalf of the class of plaintiffs, Mr. Crutcher alleged that Defendants failed to meaningfully explain to their policyholders how the *Schmick* offset rule works to cancel out UIM benefits that policyholders like Mr. Crutcher expected to receive. Mr. Crutcher alleged that the UIM coverage sold by Defendants to class members was "illusory" because UIM premiums sold on minimum limits policies are valueless if the policyholder is in an accident with a tortfeasor who carries liability coverage equal to the policyholder's UM/UIM coverage.

{12} Mr. Crutcher and the class members alleged seven violations under New Mexico common law and consumer protection statutes. Defendants removed the action to federal court under the Class Action Fairness Act, 28 U.S.C. § 1332(d) (2018). Plaintiff and Defendants then cross-moved the United States District Court for the District of New Mexico to certify a controlling question of law to the New Mexico Supreme Court. The federal district court granted the motions and submitted a certification order to this Court on the issue of whether underinsured motorist coverage at the minimum level is illusory, and, if so, whether insurers can charge a premium for it.¹ The federal district court stayed the matter pending this Court's answer to the certified question. We do so now.

III. DISCUSSION

{13} Our task is to determine (1) whether underinsurance motorist coverage on a policy that offers minimum uninsured/underinsured motorist limits is illusory for an insured person who sustains more than \$25,000 in damages caused by a minimally insured tortfeasor, and (2) if this type of coverage is illusory, whether an insurance company may charge premiums for such a policy. This analysis requires us to interpret New Mexico's statute governing underinsurance motorist coverage. See § 66-5-301 ("Insurance against uninsured and unknown motorists; rejection of coverage by the insured.").

{14} "Statutory interpretation is a question of law, which we review de novo." *Hovet v. Allstate Ins. Co.*, 2004-NMSC-010, ¶ 10, 135 N.M. 397, 89 P.3d 69. "When this Court construes statutes, our charge is to determine and give effect to the Legislature's intent." *Moongate Water Co., Inc. v. City of Las Cruces*, 2013-NMSC-018, ¶ 6, 302 P.3d 405 (internal quotation marks and citation omitted). "To determine legislative intent, [this Court] look[s] not only to the language used in the statute, but also to the purpose to be achieved and the wrong to be remedied." *Hovet*, 2004-NMSC-010, ¶ 10; see also NMSA 1978, § 12-2A-18(A) (1) (1997) ("A statute or rule is construed,

if possible, to[] give effect to its objective and purpose[.]").

A. New Mexico's UM/UIM Statutory Provisions

{15} The Mandatory Financial Responsibility Act requires all motorists to carry minimum insurance liability limits of \$25,000 per person, \$50,000 per occurrence. See § 66-5-215(A)(1)-(2). The statute governing uninsured and underinsured motorist coverage in turn states:

No motor vehicle or automobile liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property of others arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in New Mexico with respect to any motor vehicle registered or principally garaged in New Mexico *unless coverage is provided therein or supplemental thereto in minimum limits for bodily injury or death and for injury to or destruction of property as set forth in Section 66-5-215 NMSA 1978.*

Section 66-5-301(A) (emphasis added). Section 66-5-301(A) requires motorists to carry uninsured motorist insurance of at least the amounts set forth in Section 66-5-215. Section 66-5-301(A) provides that a motorist may purchase more UM/UIM coverage, but it may not exceed the total amount of liability coverage purchased. ("[H]igher limits . . . may be . . . up to the limits of liability specified in bodily injury and property damage liability provisions of the insured's policy."). In other words, the statute requires that liability coverage is the limiting factor if an insured desires to purchase a greater amount of UM/UIM coverage.

{16} Underinsured motorist insurance is a subcategory of uninsured motorist insurance. Section 66-5-301(B) defines "underinsured motorist" as follows:

The uninsured motorist coverage described in Subsection A of this section shall include underinsured motorist coverage for persons protected by an insured's policy. For the purposes of this subsection, "underinsured motorist" means an operator of a motor vehicle with respect to the ownership, maintenance or use of which *the sum of the limits of liability under all bodily injury liability insurance applicable at the time of the accident is less than the limits of liability under the insured's uninsured motorist coverage.*

(Emphasis added.)

{17} Read together, Section 66-5-215(A) (1)-(2) and Section 66-5-301(A)-(B) require motorists to carry liability insurance limits of at least \$25,000 per person and \$50,000 per occurrence *and* uninsured motorist coverage (which includes underinsured motorist coverage) of at least the same amount. *See Weed Warrior*, 2010-NMSC-050, ¶ 10. Again, only if the motorist purchases higher than minimum liability coverage may higher than minimum UM/UIM coverage be purchased. *See* § 66-5-301(A).

B. New Mexico's Statutory Offset Rule as Announced in *Schmick*

{18} To answer the questions posed in the Certification Order, we turn to the legislative purpose and intent of the above provisions. NMSA 1978, § 12-2A-18(A) (1) (1997) ("A statute or rule is construed, if possible, to[] give effect to its objective and purpose."). When it comes to underinsurance, there are two policy theories of coverage that evince themselves in a jurisdiction's statute: (1) gap theory and (2) excess theory or floating layer theory. *See Bhasker v. Kemper Cas. Ins. Co.*, 361 F. Supp. 3d 1045, 1143-45 (D.N.M. 2019) (hereinafter *Bhasker I*) (quoting *State Auto. Mut. Ins. Co. v. Youler*, 396 S.E.2d 737, 747-748) (W.Va. 1990). In jurisdictions that have adopted the gap theory, underinsurance coverage will compensate an insured injured driver up to the amount of UM/UIM protection purchased. *Id.* In jurisdictions that have adopted the excess theory or floating layer theory, underinsurance will fully compensate an insured injured driver for the cost of the driver's damages, even if the total is more than what the driver purchased in UM/UIM coverage. *Bhasker II*, 361 F. Supp. 3d at 1144-45. As discussed below, New Mexico has adopted the gap theory, because "the most an insured can receive is the amount of underinsurance purchased for [the insured's] benefit, [and] that amount must be offset by available liability proceeds." *Schmick*, 1985-NMSC-073, ¶ 30.

{19} In *Schmick*, this Court determined that the New Mexico Legislature intended to "put an injured insured [driver] in the same position [the driver] would have been in had the tortfeasor had liability coverage in an amount equal to the uninsured/underinsured motorist protection purchased for the insured's benefit." *Id.* ¶ 10. In describing the district court's position, the *Schmick* Court stated it succinctly: "the underinsurance coverage . . . [is] not in addition to that provided by the other vehicle but [is] intended to supplement the amount paid by the underinsured motorist so that the insured recover[s] an amount equal to the uninsured motorist protection purchased." *Id.* ¶ 5. Consistent with this legislative intent, we determined

that, "under a statute like ours, where the most an insured can receive is the amount of underinsurance purchased for [the insured's] benefit, that amount must be offset by available liability proceeds." *Id.* ¶ 30. This is known as the offset rule.

{20} Pursuant to the offset rule, underinsured motorist benefits are calculated by subtracting the amount of the insured's uninsured motorist coverage from the amount of the tortfeasor's liability coverage. *Id.* ¶ 24 ("[A]n insured collects from his underinsured motorist carrier the difference between his uninsured motorist coverage and the tortfeasor's liability coverage or the difference between his damages and the tortfeasor's liability coverage, whichever is less."). A significant consequence of this rule is that, if injured persons purchased only the statutory minimum policy, the person's policy will not cover losses for damages in excess of \$25,000. Collection of UIM insurance is therefore practically impossible for minimally insured motorists, and collection is not possible in Mr. Crutcher's case.

{21} This impossibility was identified and highlighted by this Court in *Weed Warrior* where it was determined that, "[i]f the tortfeasor carried the statutory minimum of liability insurance and the injured driver carried the statutory minimum of UM/UIM coverage, the injured driver would have no recourse for injuries suffered over the minimum amount of \$25,000." *Weed Warrior*, 2010-NMSC-050, ¶ 10. Stated differently, there will never be an instance in which there is an "underinsured motorist" if both parties in a car accident are minimally insured because the minimum limits, both being \$25,000/\$50,000, will always cancel each other out. *See* § 66-5-301(B); *see also Weed Warrior*, 2010-NMSC-050, ¶ 10. Consequently, "[t]he injured driver, though in theory having purchased UIM coverage, would in fact have purchased only UM coverage—rendering the inclusion of 'UIM' in the statute superfluous." *Weed Warrior*, 2010-NMSC-050, ¶ 10.

{22} Mr. Crutcher found himself in the precise situation predicted by this Court in *Weed Warrior* when he was hit by someone who was minimally insured and did not carry enough liability insurance to cover the cost of his injuries. Mr. Crutcher, like other policyholders who are not fully versed in the intricacies of insurance law, may not have understood that he was not eligible to receive underinsurance coverage from his policy despite paying a premium for it. The Court in *Weed Warrior* concluded that it was the obligation of the insurance company to clearly provide its policyholders the opportunity to match its UM/UIM policy with their liability coverage. *See Weed Warrior*, 2010-NMSC-050, ¶

13. Consistent with this reasoning, we now conclude that the Legislature intended to place the burden on the policyholders to determine how much protection they want and are willing to pay for, and that this burden is conditioned upon the policyholders having knowledge of what they are purchasing. The certified question asks us to resolve this point and to determine whether an insurer may charge a premium for such policies.

C. Whether the Minimum Limits UM/UIM Policy Is Illusory

{23} Mr. Crutcher asserts that his coverage is illusory because, as a purchaser, he reasonably believed that the coverage was more than it was and because a policyholder with minimum UM/UIM coverage may never reap the benefits of the underinsured motorist coverage. Similar to the plaintiff in *Bhasker v. Kemper Casualty Insurance Co.*, 284 F. Supp. 3d 1191 (D.N.M. 2018) (hereinafter *Bhasker I*), Mr. Crutcher seems to use the word "illusory" to refer to valueless minimum limits coverage and also as a synonym for the word "deceptive." *Bhasker I*, 284 F. Supp. 3d at 1238 ("[The petitioner] seems to be arguing, generally, that her UM/UIM policy did not cover what she thought it would, in which case the UIM coverage was illusory in the sense that it appeared to be something it was not."). Thus, Mr. Crutcher does not necessarily allege that the policy is "illusory" as the term is applied in contract law. *See generally* Richard A. Lord, 3 *Williston on Contracts* § 7:7, at 88-89 (4th ed. 1992) (stating that an illusory promise cannot serve as consideration); *see also Bd. of Educ., Gadsden Indep. Sch. Dist. No. 16 v. James Hamilton Constr. Co.*, 1994-NMCA-168, ¶ 19, 119 N.M. 415, 891 P.2d 556 ("A purported promise that actually promises nothing because it leaves the choice of performance entirely to the offeror is illusory, and an illusory promise is not sufficient consideration to support a contract."); *see also Bhasker I*, 284 F. Supp. 3d at 1238 (reasoning that the plaintiff's "claims [were] not based on legal theories in which the coverage's illusory nature is an element necessary to prove." (internal quotation marks omitted)).

{24} In essence, Mr. Crutcher is challenging Defendant's representation and disclosure about the nature of the coverage. Mr. Crutcher's theory, much like the plaintiff's theory in *Bhasker I*, is that Defendant misled him when Defendant sold him UIM coverage under the pretense that he would receive full UIM coverage. *Bhasker I*, 284 F. Supp. 3d at 1238. This argument has been made and addressed by federal courts in similar litigation. *See id.*; *see also Apodaca v. Young Am. Ins. Co.*, CIV 18-0399, 2019 WL 231757, at *6 (D.N.M. Jan. 16, 2019) ("Plaintiff contends that . . . her UM/UIM

policy did not provide the bodily injury coverage that she expected based on the information [the insurer] presented . . . [and that the insurer] misled her about what the UM/UIM policy covered” (internal quotation marks omitted)); see also *Schwartz v. State Farm Mut. Auto. Ins. Co.*, 1:18-CV-00328, 2018 WL 4148434, at *5 (D.N.M. Aug. 30, 2018) (“Plaintiff alleges that Defendant misrepresented to her that she would benefit from the underinsured coverage when [it] should have known that the coverage was meaningless. In other words, Plaintiff argues that Defendant failed to inform her that the coverage she was purchasing would provide little to no coverage.”).

{25} In response, Safeco asserts that the combined coverage provides value because, while the policy does not protect against the risk of being hit by an underinsured driver, the policyholder will still receive the benefits of uninsured motorist insurance if involved in an accident with a driver with no insurance at all. This, it argues, is consistent with New Mexico case law and the Legislature’s intent. Safeco further argues that because Mr. Crutcher received benefits under a combined UM/UIM coverage, as required by New Mexico statute, the coverage could not have been illusory as a matter of law or misleading, and the premium charged is per se reasonable. See § 66-5-301(B) (“[U]ninsured motorist coverage . . . shall include underinsured motorist coverage.”). We address these arguments in turn.

{26} First, we find no merit in Defendant’s argument that the language of the statute provides immunity from claims that it misrepresented the coverage available to consumers like Mr. Crutcher. Certainly, while the Legislature authorized the selling of premiums together, its intent was not to sanction the deception of those consumers in their selection of policies and coverage levels. We have long held that:

The courts of New Mexico assume the average purchaser of automobile insurance will have limited knowledge of insurance law, and we will not impose on the consumer an expectation that she or he will be able to make an informed decision as to the amount of UM/UIM coverage desired or required without first receiving information from the insurance company.

Weed Warrior, 2010-NMSC-050, ¶ 13 (internal quotation marks and citation omitted); see also *Romero v. Dairyland Ins. Co.*, 1990-NMSC-111, ¶ 17, 111 N.M. 154, 159, 803 P.2d 243, 248 (reasoning that the duty to read one’s insurance policy and become familiar with its terms may be less binding, “[g]iven the realities of the

automobile liability insurance business in which the unfamiliar terminology of a policy describes coverage under complex rights and obligations of personal injury and liability law, . . . an insured who is unsophisticated in business affairs, and . . . the public policy favoring insurance coverage for personal injury”). We refuse to impose on the insured the obligation to be aware of and understand the consequences of New Mexico’s UM/UIM statutory provisions, much less the offset rule derived by its technical language.

{27} Regarding Safeco’s second argument, it is correct that, if hit by a tortfeasor without insurance, policyholders will receive uninsured motorist (UM) benefits. However, this only demonstrates that Safeco is properly disclosing that it covers half of the risk purportedly covered by a minimum limits UM/UIM policy. As has been established, a tortfeasor who carries minimum limits UM/UIM coverage or higher may never fit the definition of an “underinsured motorist” according to the statute, rendering a policyholder unable to collect UIM insurance. See *Weed Warrior*, 2010-NMSC-050, ¶ 10 (“The injured driver, though in theory having purchased UIM coverage, would in fact have purchased only UM coverage—rendering the inclusion of ‘UIM’ in the statute superfluous.”). The Court in *Weed Warrior* concluded that it was the obligation of the insurance company to clearly provide its policyholders the opportunity to match their UM/UIM policy with their liability coverage. *Id.* ¶ 15. In this case, we are simply identifying the same consequence previously illuminated in *Weed Warrior*. *Id.* ¶ 10 (“An insured carries UIM coverage only if the UM/UIM limits on her or his policy are greater than the statutory minimum of \$25,000.”). Thus, while we are persuaded by Mr. Crutcher’s argument that the minimum limits UM/UIM coverage is illusory because it is misleading to the average insurance purchaser, we nevertheless conclude that the policy still retains some value for policyholders.

{28} Finally, our review of the applicable statutory language makes clear that the sale of this type of insurance is reflective of the statutory scheme purposefully selected by the New Mexico Legislature, and thus is permitted despite being misleading. See § 66-5-301(B). We recognize that the result achieved in excess theory jurisdictions “is more equitable in that the injured insured collects all proceeds for which, ostensibly, a premium has been paid and has his or her damages compensated more fully,” but that “New Mexico’s uninsured/underinsured motorist statute, as presently enacted by our Legislature does not allow for such recovery.” *Schmick*, 1985-NMSC-073, ¶ 31. New Mexico lawmakers have pur-

posefully chosen to adopt a gap theory of underinsurance coverage, and it is within their power to do so. If they are so inclined, state lawmakers are also empowered to revisit the state’s uninsured motorist coverage statutory scheme in light of the issues outlined by this case. However, we are bound by the language that the New Mexico Legislature has chosen. We therefore conclude that the law allows an insurer to sell minimum limits UM/UIM coverage to a policyholder and only provide coverage for uninsured motorist coverage, and that insurers may charge a premium for such coverage as long as they make a proper disclosure to the policyholder, as discussed hereunder.

D. Insurers Must Provide Adequate Disclosure of the UIM Exclusion

{29} While charging premiums for minimum limits UM/UIM coverage may be legally permitted, this Court remains concerned about an average policyholder’s understanding of the true limits of this type of coverage. “In construing standardized policy language, our focus must be upon the objective expectations the language of the policy would create in the mind of a hypothetical reasonable insured, who, we assume, will have limited knowledge of insurance law.” *Computer Corner, Inc. v. Fireman’s Fund Ins. Co.*, 2002-NMCA-054, ¶ 7, 132 N.M. 264, 46 P.3d 1264. “[L]anguage at issue should be considered not from the viewpoint of a lawyer or a person with training in the insurance field, but from the standpoint of a reasonably intelligent lay[person].” *Taos Ski Valley, Inc. v. Nova Cas. Co.*, 153 F. Supp. 3d 1351, 1353 (D.N.M. 2015) (internal quotation marks omitted) (quoting *Computer Corner, Inc.*, 2002-NMCA-054, ¶ 7), *aff’d*, 705 F. App’x 749 (10th Cir. 2017).

{30} In order to fulfill the UM/UIM statute’s legislative purpose to place the burden on the policyholders to determine how much protection they would like to purchase, the policyholders must be fully informed of the relative benefits and limitations of a given policy. See § 12-2A-18(A)(1). If a person pays for something called “underinsured motorist” insurance, we think it reasonable for the person to be under the impression that he or she is, in fact, eligible to receive UIM coverage if involved in an accident with someone who does not have enough insurance to cover the costs of the insured’s injuries. The average insured driver likely has limited knowledge of insurance law and may not understand the details of the underinsurance law statute, Section 66-5-301(B), and the *Schmick* offset rule, and therefore may not understand that by choosing to purchase only the statutory minimum amount of UM/UIM insurance, he or she will never receive the benefit of underinsured

motorist coverage. *See Apodaca*, 2019 WL 231757, at *7 (“[M]erely reading the offset provision in the policy would not inform an insured that the underinsured motorist coverage she purchased at the minimum level would in fact have little to no value.” (quoting *Schwartz*, 2018 WL 4148434, at *6)); *see also Weed Warrior*, 2010-NMSC-050, ¶ 13 (“The courts of New Mexico assume the average purchaser of automobile insurance will have limited knowledge of insurance law, and we will not impose on the consumer an expectation that she or he will be able to make an informed decision as to the amount of UM/UIM coverage desired or required without first receiving information from the insurance company.” (internal quotation marks and citation omitted)).

{31} Although not illusory based on the contractual definition, we agree with Mr. Crutcher that minimum UM/UIM coverage is misleading because policyholders are not adequately informed that they are not eligible to receive UIM coverage pursuant to the Mandatory Financial Accountability Act and the corresponding offset rule articulated in *Schmick*. This potential outcome should be explicitly disclosed to policyholders like Mr. Crutcher who are selecting a policy called “Uninsured and Underinsured Motorist Coverage” and expecting to receive insurance benefits under either circumstance. *Romero*, 1990-NMSC-111, ¶ 17. In purchasing this insurance, policyholders may believe that they are bargaining for both the risk of being in an accident with (1) an uninsured tortfeasor and (2) an underinsured tortfeasor, while in reality, they are only bargaining for the risk of the former.

{32} “It is the obligation of the insurer to draft an exclusion that clearly and unambiguously excludes coverage.” *Battishill v. Farmers Alliance Ins. Co.*, 2004-NMCA-109, ¶ 12, 136 N.M. 288, 97 P.3d 620 (internal quotation marks omitted) (quoting *Computer Corner, Inc.*, 2002-NMCA-054, ¶ 7), *rev’d on other grounds*, 2006-NMSC-004, 139 N.M. 24, 127 P.3d 1111. Therefore, hereafter, the insurer shall bear the burden of disclosure to the policyholder that a purchase of the statutory minimum of UM/UIM insurance may come with the counterintuitive exclusion of UIM insurance if the insured is in an accident with a tortfeasor who carries minimum liability insurance. Consistent with the purpose and intent of the UIM statute, this disclosure will allow purchasers to make a fully informed decision when selecting UM/UIM insurance coverage.

IV. CONCLUSION

{33} For the foregoing reasons, we conclude that UM/UIM coverage at the minimum level is permitted because the law not only allows, but requires, it to be sold

as was done so here. However, such coverage is illusory because it is misleading to the average policyholder. As such, we will now require every insurer to adequately disclose the limitations of minimum limits UM/UIM policies in the form of an exclusion in its insurance policy. If the insurer provides adequate disclosure, it may lawfully charge a premium for such coverage.

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

**DAVID K. THOMSON, Justice
WE CONCUR:**

MICHAEL E. VIGIL, Chief Justice

C. SHANNON BACON, Justice

JUDITH K. NAKAMURA, Justice,

retired, dissenting

Sitting by designation

NAKAMURA, Justice, retired (dissenting).

{35} The majority holds that a policy providing UM/UIM coverage at minimum limits is illusory because it “may mislead” policyholders into believing that they will receive underinsured motorist coverage when, “in reality they may never receive such a benefit.” *Maj. op.* ¶ 2. Nevertheless, the majority also concludes insurance companies may continue to offer and charge a premium for UM/UIM coverage at minimum limits—provided they disclose that such coverage may never provide UIM benefits to the insured. *See supra* ¶¶ 29-32. This disclosure is to be labeled an “exclusion.” *Supra*.

{36} In my view, this holding rests on two flawed premises, and the disclosure mandated of insurance companies is incorrect and likely to generate confusion. Accordingly, I respectfully dissent.

{37} The majority’s first premise is that insureds expect UIM coverage to be make-whole coverage. *Maj. op.* ¶ 30 (stating that it would be “reasonable” for an insured “to be under the impression that he or she is, in fact, eligible to receive UIM coverage if involved in an accident with someone who does not have enough insurance to cover the cost of the insured’s injuries”); *see Fagundes v. Am. Int’l Adjustment Co.*, 3 Cal. Rptr. 2d 763, 765 (Cal. Ct. App. 1992) (explaining that make-whole UIM coverage compensates an injured insured for the difference between his or her damages and the tortfeasor’s liability coverage). The majority even defines UIM coverage as protecting “drivers who are hit by a tortfeasor who does not have enough auto insurance to cover the cost of the driver’s injuries and damages,” *maj. op.* ¶ 5,² as though make-whole coverage is the generally-understood function or definition of UIM coverage.

{38} UIM coverage in New Mexico has never been so defined. As the majority acknowledges, our statutory law instead provides for “gap theory” coverage that

compensates an injured insured *up to the amount of UM/UIM coverage purchased*, not up to the amount of the injured insured’s damages. *Maj. op.* ¶¶ 18-19; *see* § 66-5-301(B). The policy objective of gap theory coverage differs from the policy objective of make-whole coverage; that is, gap theory coverage aims to “put an injured insured in the same position he would have been in had the tortfeasor had liability coverage in an amount equal to the” insured’s UM/UIM coverage. *Schmick*, 1985-NMSC-073, ¶ 10; *see* § 66-5-301(B). Thus, UIM benefits in New Mexico are the “amount by which the insured’s [UM/UIM] coverage exceeds the tortfeasor’s liability insurance.” *Schmick*, 1985-NMSC-073, ¶¶ 22, 28 (explaining that this “offset is inherent in our statutory definition of underinsured motorist” (emphasis added)). In sum, in New Mexico, the defining comparison is between the tortfeasor’s liability insurance and the injured person’s UM/UIM insurance, not between the tortfeasor’s liability insurance and the injured person’s damages. *See maj. op.* ¶ 18.

{39} A necessary effect of New Mexico’s gap theory policy is that a minimally insured person is the least likely of all insureds to recover UIM benefits. That is, most other motorists will have at least the statutory minimum in liability coverage and will, therefore, not be underinsured. I fail to see how this effect is misleading unless the background expectation of insureds is that UIM coverage in New Mexico is make-whole coverage. In that case, UIM coverage in New Mexico is misleading to everyone, including injured drivers with greater than minimum UM/UIM limits whose damages exceed the liability coverage of the tortfeasor. But the record contains no basis for this conclusion. Furthermore, it is the Legislature’s role to assess the relative benefits and drawbacks of New Mexico’s UIM policy and, to the extent the Legislature concludes the policy has proved unwise, to amend the statute. The Legislature has made no such amendments, even though this Court decided *Schmick*, interpreting the offset consequence of the UIM statute, some thirty-six years ago. Given this legislative silence, I cannot join the majority’s view that an insurance company offering UM/UIM coverage as interpreted in *Schmick* and required by New Mexico’s UM/UIM statute “sanction[s] deception,” *maj. op.* ¶ 26. *See Shepard v. United States*, 544 U.S. 13, 23 (2005) (“[T]he claim to adhere to case law is generally powerful once a decision has settled statutory meaning.”); 2B Norman J. Singer & J.D. Shambie Singer, *Statutes and Statutory Construction* § 49:4, at 22 (7th ed. 2012) (observing that “considerations of stare decisis weigh heavily in the area of statutory construction”

(internal quotation marks and citation omitted)); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 864 (1992) (holding that courts should not reexamine precedent absent some “justification beyond a present doctrinal disposition to come out differently”).

{40} This leads to the majority’s second flawed premise: that New Mexico’s UM/UIM statute *never*, in practice, provides UIM benefits to insureds with minimum-limits policies. Maj. op. ¶ 21 (“[T]here will never be an instance in which there is an ‘underinsured motorist’ if both parties in a car accident are minimally insured, because the minimum limits . . . will always cancel each other out.”); *supra* ¶ 30 (“[B]y choosing to purchase only the statutory minimum amount of UM/UIM insurance, [the insured] will never receive the benefit of underinsured motorist coverage.”). This assertion is inaccurate, as demonstrated by scenarios presented in numerous cases before our courts. For example, where an insured with minimum UM/UIM coverage has multiple vehicles, or where an insured has multiple minimum UM/UIM policies available, the insured may be entitled to stack³ coverages and recover UIM benefits. *See, e.g., Fasulo v. State Farm Mut. Auto. Ins. Co.*, 1989-NMSC-060, ¶¶ 3, 16, 108 N.M. 807, 780 P.2d 633 (holding, *inter alia*, that three minimum-limits UM/UIM policies could be stacked to provide \$75,000 in UIM benefits, offset by the tortfeasor’s liability limits); *Morro*, 1988-NMSC-006, ¶¶ 1-2, 11, 13 (concluding that an insured could stack two minimum-limits UM/UIM policies to provide UIM benefits where the tortfeasor had a minimum-limits liability policy);

Konnick v. Farmers Ins. Co. of Ariz., 1985-NMSC-070, ¶¶ 2, 15-16, 103 N.M. 112, 703 P.2d 889 (same); *Montano v. Allstate Indem. Co.*, 2004-NMSC-020, ¶¶ 18-19, 28, 135 N.M. 681, 92 P.3d 1255 (explaining that stacking is the default coverage). In fact, the appellant in *Schmick* stacked two minimum-limits policies and received UIM benefits as a result. *See* 1985-NMSC-073, ¶¶ 20-22. An accident involving multiple claimants may also entitle a claimant with minimum-limits coverage to recover UIM benefits if the liability coverage of the tortfeasor is inadequate to cover multiple claims at minimum limits. *See, e.g., Gonzales v. Millers Cas. Ins. Co. of Tex.*, 923 F.2d 1417, 1422 (10th Cir. 1991) (interpreting Section 66-5-301(B) to require comparison between the liability coverage benefits actually available to satisfy multiple claims and the UIM coverage of each claimant to determine whether the tortfeasor was underinsured). In short, there are evidently real-world circumstances in which insureds with minimum UM/UIM limits will recover UIM benefits.

{41} This reality animates one of my objections to the majority’s solution: requiring insurance companies to disclose, as a policy exclusion, the advisement that minimum-limits UM/UIM coverage “may come with the counterintuitive exclusion of UIM insurance if the insured is in an accident with a tortfeasor who carries minimum liability insurance.” Maj. op. ¶ 30. This advisement is wrong, for the reasons just stated; furthermore, it does not operate to “restrict the scope of the policy beyond what would otherwise be covered” and is therefore not an *exclusion* as our case law defines the term, *see United*

Nuclear Corp. v. Allstate Ins. Co., 2012-NMSC-032, ¶ 18, 285 P.3d 644. Finally, burdening insurance companies with a disclosure about the effect of coverage already defined, *consistent with the law*, in the insurance contract (as it was here, where Safeco used the language from Section 66-5-301(B) in its policy language) is a substantial departure from our prior holdings. The majority quotes *Weed Warrior* and *Romero*, maj. op. ¶ 26, but neither of these holdings provide support for the disclosure required here. In *Weed Warrior*, we interpreted New Mexico’s UM/UIM statute to compel insurance companies to offer UM/UIM coverage in an amount up to the liability limits of an insured’s policy coverage. *See* 2010-NMSC-050, ¶ 15. In *Romero*, we interpreted the UM/UIM statute and associated regulations to necessitate that an insured’s rejection of UM/UIM coverage be endorsed and attached to or incorporated into the insured’s policy. *See* 1990-NMSC-111, ¶ 17. The duties imposed on insurance companies in both cases were pursuant to what the UM/UIM statute and/or regulations required. Here, by contrast, the majority requires an (incorrect) explanation of the *effect* of the UM/UIM statute, cast as a coverage exclusion. I see no basis in the law for the imposition of such a requirement, and I fear it will not meaningfully aid insureds in understanding and selecting among coverage options.

{42} For the foregoing reasons, I respectfully dissent.

**JUDITH K. NAKAMURA, Justice
Retired, sitting by designation**

Endnotes

¹ The dissent inserts hypothetical facts not present in the certified question in its effort to challenge the majority’s reasoning, stating “where an insured with minimum UM/UIM coverage has multiple vehicles, or where an insured has multiple minimum UM/UIM policies available, the insured may be entitled to stack coverages and recover UIM benefits.” Dissent ¶ 40 (footnote omitted). Unlike the dissent, the majority contains its opinion to the question presented. *See Schlieter v. Carlos*, 1989-NMSC-037, ¶ 11, 108 N.M. 507, 775 P.2d 709.

² Section 66-5-301(B), although cited by the majority, does not contain this definition.

³ “The term ‘stacking’ refers to an insured’s attempt to recover damages in aggregate under more than one policy or one policy covering more than one vehicle until all damages either are satisfied or the total policy limits are exhausted.” *Morro v. Farmers Ins. Grp.*, 1988-NMSC-006, ¶ 5, 106 N.M. 669, 748 P.2d 512.

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2022-NMSC-002
No. S-1-SC-38328 (October 18, 2021)

LINDA CONTRERAS RIDLINGTON as Conservator of the Estate of
Alvino Contreras, Plaintiff-Petitioner,
v.
BOBBY CONTRERAS,
Defendant-Respondent.

ORIGINAL PROCEEDING ON CERTIORARI
Mercedes C. Murphy, District Judge

Released for Publication January 18, 2022.

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OPINION

THOMSON, Justice.

{1} In 2015, Alvino Contreras (Father) signed twenty-six quitclaim deeds conveying nearly 1900 acres of property to Bobby Contreras (Son). A year later, Linda Contreras Ridlington (Daughter) filed suit to void the deeds, alleging in part that they were obtained through undue influence. Son filed a motion for summary judgment, relying on the presumption that a duly executed conveyance is valid and arguing that Daughter's claim of undue influence therefore required dismissal. We must now determine whether a party seeking to defeat an undue influence claim establishes a prima facie showing of entitlement to summary judgment as a matter of law by arguing that the contested deeds are presumptively valid.

{2} The district court found for Son on his motion for summary judgment. It concluded that Son met his prima facie showing of entitlement to summary judgment on Daughter's undue influence claim in part because "[he] met his burden of proving the execution of the deeds is valid." The district court also determined that by the simple act of producing deeds that met all statutory requirements, the burden to present evidence contradicting the deeds'

presumed validity shifted to Daughter, and that Daughter failed to meet that burden. The Court of Appeals affirmed the district court in a split decision, reasoning that statutorily proper deeds are presumptively valid and that the evidentiary burden had therefore shifted to Daughter to rebut the presumption of validity. *Ridlington v. Contreras*, A-1-CA-37029, mem. op. ¶ 14 (N.M. Ct. App. Apr. 23, 2020) (non-precedential). {3} The Court of Appeals dissent reasoned that the presumption of the deeds' validity did not negate Daughter's claims of undue influence and that there were sufficient "issues of material fact" in the record to defeat summary judgment and proceed to trial. *Id.* ¶¶ 26-27 (Duffy, J., dissenting). We agree with the dissent's analysis and conclude that the presumption of the deeds' validity on its own did not negate Daughter's claims of undue influence. We accordingly reverse the Court of Appeals opinion and remand the case to the district court for a trial on the merits. As such, we need not decide whether the district court abused its discretion in denying Daughter's motion for reconsideration.

I. BACKGROUND

{4} In November 2016, a year after Father executed twenty-six quitclaim deeds conveying title to the properties in Son, Daughter filed a short complaint to quiet title to the properties in Father.

The complaint alleges that the deeds are void because Father's signatures were obtained through duress and coercion, the commission of the notary public who witnessed the signatures had expired prior to the signing, and Father lacked the mental capacity at the time of signing for the deeds to be valid. Attached to the complaint to quiet title was a durable power of attorney (POA) executed by Father to Daughter in 1997. The POA was not recorded until 2016. Also attached were descriptions of the quitclaim deeds. Shortly after the complaint was filed, the district court declared Father legally incapacitated and appointed Daughter as his guardian and as conservator for his estate. Upon motion of Daughter, in her capacity as conservator, the district court substituted Daughter as sole plaintiff in this case.

{5} Son appeared *pro se* and filed a short answer to the complaint, denying the allegations and stating that the real estate was "given to [Son] without any coercion or duress as claimed. [Father] requested that [Son] prepare documents in order to transfer ownership." Son then filed another answer after retaining counsel. In it, he raised several affirmative defenses. Son also asserted that Father "was competent and capable of entering into the transactions at the time the transactions occurred"; denied that the properties were obtained through undue influence; and stated that "[Son] and . . . [F]ather have all their lives had a close and open relationship, and lived next door to one another until [Daughter] . . . removed . . . [F]ather from his home a few months ago due to failing health."

{6} In advance of trial, Son filed a motion for summary judgment. Of the six "undisputed facts" provided in support of the motion, only one bears on the outcome of this case. It reads, "The properties were transferred in writing, with the property sufficiently described, consideration noted, signed by the grantor, and witnessed by a neutral third party." This "undisputed fact" forms the basis of Son's main argument on appeal that, "[a]s a matter of law, [Daughter's] complaint fails due to the statutory requirements of conveyance of title having been met by [Father] in properly conveying land to . . . [Son]." After procedural delays, Daughter filed a response that largely addressed challenges to her standing and did not attach any evidence to counter Son's proffered legal presumptions.

{7} The hearing on Son's motion focused on the parties' respective evidentiary

burdens in advancing and defending the factual and legal arguments raised. Son maintained that Daughter had a duty to rebut the motion for summary judgment by attaching evidence to the response, arguing that “all [Daughter has] done is restate the complaint.” Daughter responded that asserting a presumption of the deeds’ validity alone is not sufficient to prevail on summary judgment. On rebuttal, Son returned to his contention that the deeds all facially complied with the statutory requirements for a valid conveyance and that without contrary evidence, the motion for summary judgment must be granted.

{8} The district court judge granted Son’s motion for summary judgment, stating, “As reluctant as I am to grant a motion for summary judgment . . . in this particular case, I don’t see that [Daughter] has met [the] burden to overcome the motion for summary judgment.” Before the court’s issuance of a written order, Daughter filed a motion for reconsideration asserting that “there is a question of fact whether the deeds were in fact validly executed” due to “suspicious circumstances.” These included the facts that “[t]he deeds were discussed and prepared in secret,” Son “drafted and recorded them,” and Son is “a licensed realtor.” Daughter attached five exhibits in support of her motion. The district court judge entered a formal order granting the motion for summary judgment in favor of Son and denied Daughter’s motion for reconsideration and Daughter appealed.

{9} The Court of Appeals considered seven issues, but “[i]n light of the volume and overlapping nature of [Daughter]’s arguments,” chose to “address them collectively in the context of the two district court orders appealed,” the order granting summary judgment and the order denying the motion for reconsideration. *Ridlington*, A-1-CA-37029, mem. op. ¶¶ 3-4. With regard to the order granting summary judgment, the Court of Appeals concluded that Son met “the initial burden of establishing a prima facie case for summary judgment,” *id.* ¶ 10 (internal quotation marks and citation omitted), because his motion relied on the presumption that “statutorily proper” deeds are valid. *Id.* ¶ 14.

{10} The Court of Appeals further concluded that the burden to present evidence to rebut these presumptions shifted to Daughter and that she failed to meet her burden. *See id.* The Court reasoned that “mere allegations of coercion or duress” in Daughter’s complaint were “insufficient to overcome presumptions

of law made applicable by the nature of the evidence in this case.” *Id.* ¶ 14. Because Daughter did not present evidence to rebut these presumptions, the Court of Appeals concluded that “the district court did not err in finding that [Son] met his burden of proving that the execution of the deeds was proper by relying on the presumptive validity of the conveyances.” *Id.* ¶ 15. This Court granted certiorari to address whether Son on summary judgment satisfied his prima facie showing on Daughter’s undue influence claim by asserting the presumption that a duly executed conveyance is valid.

II. DISCUSSION

A. Standard of review

{11} We review a district court’s granting or denying of summary judgment de novo. *Cahn v. Berryman*, 2018-NMCA-002, ¶ 12, 408 P.3d 1012; *see* Rule 1-056 NMRA. Rule 1-056(C) provides that summary judgment “shall be rendered forthwith if the pleadings, depositions, answers to interrogatories[,] and admissions on file, together with the affidavits, . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” “Where reasonable minds will not differ as to an issue of material fact, a court may properly grant summary judgment.” *City of Albuquerque v. SMP Props., LLC*, 2021-NMCA-011, ¶ 14, 483 P.3d 566 (internal quotation marks, citation, and alteration omitted).

{12} Ultimately, a nonmoving party does not need to “establish all elements of the claim” in order to prevail on summary judgment. *Bartlett v. Mirabal*, 2000-NMCA-036, ¶¶ 3, 17, 39, 128 N.M. 830, 999 P.2d 1062 (holding that the United States Supreme Court decision in *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), had not been adopted by New Mexico courts and declining to adopt *Anderson*’s higher evidentiary burden of proof). All that is required is that the nonmoving party presents evidence “sufficient to give rise to several issues of fact.” *Bartlett*, 2000-NMCA-036, ¶ 17 (internal quotation marks and citation omitted). “Summary judgment should not be granted when material issues of fact remain or when the facts are insufficiently developed for determination of the central issues involved.” *Id.* (internal quotation marks and citation omitted).

{13} Despite our divergence from the federal standard, summary judgment remains “a drastic remedial tool which demands the exercise of caution in its application.” *Blauwkamp v. Univ. of N.M. Hosp.*, 1992-NMCA-048, ¶ 10,

114 N.M. 228, 836 P.2d 1249. Generally, “New Mexico courts . . . view summary judgment with disfavor, preferring a trial on the merits.” *Romero v. Philip Morris Inc.*, 2010-NMCA-035, ¶ 8, 148 N.M. 713, 242 P.3d 280; *see also Freeman v. Fairchild*, 2018-NMCA-023, ¶ 25, 416 P.3d 26 (noting that New Mexico courts have recognized a “strong preference for resolving cases on their merits”). Therefore, in reviewing a district court’s summary judgment decision, we conduct a whole-record review of “the facts in the light most favorable to the party opposing summary judgment” and “draw all reasonable inferences in support of a trial on the merits.” *SMP Props., LLC*, 2021-NMCA-011, ¶ 14 (quoting *Freeman*, 2018-NMCA-023, ¶ 14) (internal quotation marks omitted); *see also Zamora v. St. Vincent Hosp.*, 2014-NMCA-035, ¶ 9, 335 P.3d 1243.

B. The legal presumption of the deeds’ validity does not establish Son’s prima facie showing in summary judgment on Daughter’s undue influence claims

{14} The district court found that Son met his initial burden on summary judgment in part due to his reliance on the presumption of the deeds’ validity. This Court previously summarized the respective summary judgment burdens on each party as follows:

[T]he burden was on defendants to show an absence of a genuine issue of fact, or that they were entitled as a matter of law for some other reason to a summary judgment in their favor. However, once defendants had made a prima facie showing that they were entitled to summary judgment, the burden was on plaintiff to show that there was a genuine factual issue and that defendants were not entitled as a matter of law to summary judgment.

Goodman v. Brock, 1972-NMCA-043, ¶ 8, 83 N.M. 789, 498 P.2d 676 (citations omitted). In other words, the moving party has the burden to “make a prima facie showing that there is no genuine issue of fact as to one or more of the requisite elements in non-movant’s claim.” *Bartlett*, 2000-NMCA-036, ¶ 17 (internal quotation marks, citation, and brackets omitted); *see also Celotex Corp.*, 477 U.S. at 330 (Brennan, J., dissenting) (“The burden of establishing the nonexistence of a ‘genuine issue’ is on the party moving for summary judgment.”). If this prima facie showing is made, “it is then the burden of the nonmoving party to

present a concise statement of all of the material facts as to which the moving party contends no genuine issue exists.” *Bartlett*, 2000-NMCA-036, ¶ 17 (internal quotation marks and citation omitted); see Rule 1-056(D)(2). Thus, we must determine whether the proffered legal presumption was sufficient to defeat Daughter’s claims of undue influence and satisfy Son’s prima facie showing that he was entitled to summary judgment as a matter of law.

{15} Daughter argues that Son’s initial burden could not be satisfied by the presumption of the deeds’ validity because this presumption fails to address any essential elements of Daughter’s claim of undue influence. “The underlying theory of the doctrine [of undue influence] is that the donor is induced by various means to execute an instrument that, in reality, is the will of another substituted for that of the donor.” *Montoya v. Torres*, 1991-NMCA-152, ¶ 16, 113 N.M. 105, 823 P.2d 905. At trial, proof of undue influence must be established by clear and convincing evidence. *Id.* ¶ 17. As we have noted, “[g]enerally, because of the difficulty in obtaining direct proof in cases where undue influence is alleged, proof sufficient to raise the presumption is inferred from the circumstances.” *Id.* ¶ 18.

{16} We have previously held that “[t]he presumption [of undue influence] arises if a confidential or fiduciary relation with a donor is shown together with suspicious circumstances.” *Chapman v. Varela*, 2009-NMSC-041, ¶ 7, 146 N.M. 680, 213 P.3d 1109 (quoting *Montoya*, 1991-NMCA-152, ¶ 19). “A confidential or fiduciary relation exists whenever trust and confidence is reposed by one person in the integrity and fidelity of another.” *Montoya*, 1991-NMCA-152, ¶ 19. Such circumstances include, but are not limited to:

- (1) old age and weakened physical or mental condition of testator;
- (2) lack of consideration for the bequest;
- (3) unnatural or unjust disposition of the property;
- (4) participation of beneficiary in procuring the gift;
- (5) domination or control over the donor by a beneficiary;
- and (6) secrecy, concealment, or failure to disclose the gift by a beneficiary.

Id. However, “the presence of any of these circumstances is not in itself dispositive.” *Chapman*, 2009-NMSC-041, ¶ 7 (internal quotation marks and citation omitted).

{17} “[O]nce a presumption of undue

influence is raised, the contestant’s burden of going forward with the evidence is satisfied and he or she is not susceptible to a motion for judgment as a matter of law.” *Id.* ¶ 11. As *Chapman* explains, see *id.* ¶¶ 10-12, this turns in large part on an understanding of Rule 11-301 NMRA governing presumptions in civil cases, which states that “unless a state statute or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of persuasion, which remains on the party who had it originally.” We made clear that Rule 11-301 “eliminated the ‘bursting bubble’ theory of presumptions, and a presumption now retains evidentiary effect throughout the trial, so as to permit the fact finder to draw an inference of the presumed fact from proof of the basic or predicate fact.” *Chapman*, 2009-NMSC-041, ¶ 12 (quoting *Roberts Oil Co., Inc. v. Transamerica Ins. Co.*, 1992-NMSC-032, ¶ 44, 113 N.M. 745, 833 P.2d 222).

{18} “Evidence sufficient to rebut the presumption must at least balance the prima facie showing of undue influence. If sufficient evidence is not presented to rebut the presumption, the fact finder may find the presumption of undue influence established.” *Montoya*, 1991-NMCA-152, ¶ 21 (emphasis added) (citation omitted). Son’s testimony regarding how the transaction took place may be sufficient to rebut the presumption of undue influence. However, we conclude that the simple introduction of a deed □ with its own established presumption of validity □ is not a magic needle that bursts the bubble of presumption that Daughter has rightly established. It certainly does not remove from this dispute the factual allegations upon which the undue influence claim is grounded. This is true at trial and thus is certainly true at summary judgment. See Rule 1-056(D).

{19} Here, there were sufficient circumstances in the record, even before the evidence attached to Daughter’s motion for reconsideration, demonstrating “a confidential or fiduciary relation” and “suspicious circumstances” surrounding the deed conveyances. *Montoya*, 1991-NMCA-152, ¶ 19; see *Chapman*, 2009-NMSC-041, ¶ 7. In addition to Daughter raising allegations of duress and coercion in her complaint, Son admitted that he prepared the deeds himself, that the conveyances were “given” to him without consideration, and that he and Father “have all their lives had a close and open relationship, and lived

next door to one another.” The district court also had record of the fact that Father was declared legally incapacitated approximately one year after conveyance of the deeds. All of these facts directly implicate the elements of undue influence. See *Montoya*, 1991-NMCA-152, ¶ 19; *Chapman*, 2009-NMSC-041, ¶ 7. Therefore, to prevail on summary judgment, Son had the burden of addressing the allegations of undue influence.

{20} New Mexico courts have recognized that, in order to meet the initial burden on summary judgment, the movant (Son) has the burden of “negating at least one of the essential elements upon which the plaintiff’s [Daughter’s] claims are grounded.” *Blauwkamp*, 1992-NMCA-048, ¶ 14 (describing the initial summary judgment burden in the context of medical malpractice); see also *Romero*, 2010-NMSC-035, ¶ 12 (“[S]ubstantive law is the filter through which we apply summary judgment.”). Son alleges, and the district court and Court of Appeals agreed, that he met the movant’s summary judgment burden by asserting presumptions of the deeds’ validity. However, the presumption of the facial validity of the deeds within Son’s motion for summary judgment does not negate or even address any of the elements of undue influence. See *Ridlington*, A-1-CA-37029, mem. op. ¶ 23 (Duffy, J., dissenting) (“[N]either [Son] nor the majority explain[s] how the presumptions attached to a facially valid deed apply within the contours of an undue influence claim. Because the presumptions do not address or negate the elements of undue influence, they are insufficient to establish [Son’s] prima facie showing.”).

{21} We have previously recognized that undue influence may nullify an otherwise statutorily proper deed conveyance. See *Trigg v. Trigg*, 1933-NMSC-040, ¶ 37, 37 N.M. 296, 22 P.2d 119 (“Upon any reasonable theory . . . upon which relief will be granted in equity, whether the conveyance was the result of undue influence, fraud, or deceit, equity will step in and grant relief.”). Thus, in light of New Mexico’s strong presumption in favor of trial on the merits, we hold that the district court erred in finding that Son met his initial prima facie burden to negate Daughter’s claims of undue influence. The Court of Appeals therefore erred in concluding that “[m]ere allegations of coercion or duress are insufficient to overcome presumptions of law made applicable by the nature of the evidence in this case.” *Ridlington*, A-1-CA-37029, mem. op. ¶ 14.

III. CONCLUSION

{22} Based on the foregoing, we reverse the Court of Appeals and remand the case to the district court for a trial on the merits.

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

DAVID K. THOMSON, Justice

WE CONCUR:

MICHAEL E. VIGIL, Chief Justice

JULIE J. VARGAS, Justice

¹ Daughter's allegations of duress and coercion are best understood as a claim of undue influence and will be referenced as such throughout the opinion. See *Ridlington*, A-1-CA-37029, mem. op. ¶ 20 (Duffy, J., dissenting) ("As the majority acknowledges, [Daughter's] 'duress or coercion' claim is best understood as an undue influence claim.")

² In addition to alleging these "undisputed facts," the motion also challenged Daughter's standing to bring the suit, which is not at issue here.

³ We note that Son failed to attach copies of the writings purporting to transfer the properties to his motion for summary judgment, precluding the district court and this Court from evaluating Son's "undisputed fact."

⁴ These exhibits are (1) Daughter's POA, (2) the affidavit of Dr. Samuel Roll, Ph.D., stating that Father's "evaluations revealed that he has a host of intellectual and emotional difficulties that were chronic and permanent and would severely truncate his contractual capacity," (3) a sample quitclaim deed indicating that the property was conveyed from Father to Son "for love and affection," (4) the deposition of Son revealing that he has a real estate license and that Father signed the deeds in the presence of only Son and the notary public, who was a friend of Son, and (5) a Verification of Notary notice, indicating that the notary public's notary authority expired on November 11, 2012, three years before the deeds at issue were executed.

⁵ The New Mexico summary judgment standard diverges from the federal standard following the United States Supreme Court's *Celotex* trilogy. See *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); see also Christopher David Lee, Summary Judgment in New Mexico Following *Bartlett v. Mirabal*, 33 N.M. L. Rev. 503, 503 (2003) ("The *Bartlett* Court ultimately concluded that policy considerations favored retaining New Mexico's 'traditional' approach to summary judgment over adopting the standard articulated for the federal courts in the *Celotex* trilogy.").

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Jay Goodman and Associates Law Firm, PC is seeking one full-time and one part-time attorney, licensed/good standing in NM with at least 3 years of experience in Family Law, Probate, Real Estate and Civil Litigation. If you are looking for meaningful professional opportunities that provide a healthy balance between your personal and work life, JGA is a great choice. If you are seeking an attorney position at a firm that is committed to your standard of living, and professional development, JGA can provide excellent upward mobile opportunities commensurate with your hopes and ideals. As we are committed to your health, safety, and security during the current health crisis, our offices are fully integrated with cloud based resources and remote access is available during the current Corona Virus Pandemic. Office space and conference facilities are also available at our Albuquerque and Santa Fe Offices. Our ideal candidate must be able to thrive in dynamic team based environment, be highly organized/reliable, possess good judgement/people/communication skills, and have consistent time management abilities. Compensation DOE. We are an equal opportunity employer and do not tolerate discrimination against anyone. All replies will be maintained as confidential. Please send cover letter, resume, and a references to: jay@jaygoodman.com. All replies will be kept confidential.

Associate In-House Attorney

Pueblo of Laguna seeks applications for the position of Associate In-House Attorney to provide legal services for governmental offices and departments. Reply by February 17, 2022. Position details at: www.lagunapueblo-nsn.gov/elected-officials/secretarys-office/human-resources/employment/

Commercial Liability Defense, Coverage Litigation Attorney P/T Maybe F/T

Our well-established, regional, law practice seeks a contract or possibly full time attorney with considerable litigation experience, including familiarity with details of pleading, motion practice, and of course legal research and writing. We work in the area of insurance law, defense of tort claims, regulatory matters, and business and corporate support. A successful candidate will have excellent academics and five or more years of experience in these or highly similar areas of practice. Intimate familiarity with state and federal rule of civil procedure. Admission to the NM bar a must; admission to CO, UT, WY a plus. Apply with a resume, salary history, and five-page legal writing sample. Work may be part time 20+ hours per week moving to full time with firm benefits as case load develops. We are open to "of counsel" relationships with independent solo practitioners. We are open to attorneys working from our offices in Durango, CO, or in ABQ or SAF or nearby. Compensation for billable hours at hourly rate to be agreed, generally in the range of \$45 - \$65 per hour. Attorneys with significant seniority and experience may earn more. F/T accrues benefits. Apply with resume, 5-10p legal writing example to revans@evanslawfirm.com with "NM Attorney applicant" in the subject line.

Request For Proposal – Defense Legal Services

Pueblo of Laguna seeks proposal from any law firm or individual practicing attorney to provide legal services for adult criminal defense or representation of juveniles in delinquency proceedings when there is conflict of interest or unavailability of regular defender. Reply by February 17, 2022. RFP details at: www.lagunapueblo-nsn.gov/rfp_rfqa.aspx

Lawyer Position

Guebert Gentile & Piazza P.C. seeks an attorney with up to five years' experience and the desire to work in tort and insurance litigation. If interested, please send resume and recent writing sample to: Hiring Partner, Guebert Gentile & Piazza P.C., P.O. Box 93880, Albuquerque, NM 87199-3880; advice1@guebertlaw.com. All replies are kept confidential. No telephone calls please.

Full-time Term Law Clerk

U.S. District Court, District of New Mexico, Albuquerque, Full-time Term Law Clerk, assigned to Judge Judith C. Herrera, \$66,750 to \$95,136 DOQ. Appointment commences immediately, ends September 2022. See full announcement and application instructions at www.nmd.uscourts.gov/employment.

Multiple Associate Attorneys

Hinkle Shanor, LLP is seeking multiple associate attorneys to join its Santa Fe office in 2022! The Santa Fe office of Hinkle Shanor has a diverse practice portfolio that includes: medical malpractice defense litigation; complex litigation, including class action litigation; employment litigation; environmental law; energy, minerals, and natural resources; public utilities; product liability; transportation; and ski area defense. There are opportunities within the firm to work with each practice group. Ideal candidates will demonstrate strong academic achievement and polished writing skills. Substantial consideration will be given to candidates with prior litigation and trial experience. Interested candidates should submit a resume and cover letter identifying their practice interests. Highly competitive salary and benefits; all inquiries will be kept confidential. Please e-mail resumes and cover letters to gromero@hinklelawfirm.com.

City of Albuquerque – Contract Attorney

The City of Albuquerque, through the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board"), is seeking a qualified attorney to contract with to provide legal representation and general legal services to the Air Board. This position is an independent contractor, and is not an employee of the City of Albuquerque. Applicant must be admitted to the practice of law by the New Mexico Supreme Court and be an active member of the Bar in good standing. A successful candidate will attend all Air Board meetings, have strong communication skills, knowledge of board governance and Robert's Rules of Order, The NM Open Meetings Act, and knowledge of environmental rules and regulations including the Clean Air Act. Prior experience with, or advising, board and commissions is preferred. Please submit a resume to the attention of "Air Board General Counsel Application"; c/o Angela Aragon; Executive Assistant; P.O. Box 2248, Albuquerque, NM 87103 or amaragon@cabq.gov.

Attorney

Madison, Mroz, Steinman, Kenny & Olexy, P.A., an AV-rated civil litigation firm, seeks an attorney with five or more years' experience to join our practice. We offer a collegial environment with mentorship and opportunity to grow within the profession. Salary is competitive and commensurate with experience, along with excellent benefits. All inquiries are kept confidential. Please forward CVs to: Hiring Director, P.O. Box 25467, Albuquerque, NM 87125-5467.

Associate General Counsel

This in-house counsel position in Albuquerque is responsible for providing legal knowledge, counsel, and advice in areas of major focus for Blue Cross and Blue Shield of New Mexico such as provider network, health care management, sales and marketing, and/or regulatory rate, form and compliance plan filings. With very limited supervision, the position will be responsible for various legal projects and issues which may include providing in-depth legal drafting, advice/counsel and support for negotiations and contracting with health care providers, utilization management activities, negotiations and contracting with insured and self-funded employer groups, and/or responses to, and appropriate resolution of, regulator filing or other concerns. This position will contribute to strategic direction and will handle complex legal matters and large projects. Apply to <https://bit.ly/2WpkWYG>. **JOB REQUIREMENTS:** Juris Doctor degree from ABA-accredited law school; License to practice law in New Mexico or willing and able to become licensed soon after hire; At least 8 years' experience as an attorney-at-law; Excellent analytical, drafting, and problem-solving skills; Commitment to furnishing high quality and solutions-oriented legal services; Self-starter who thrives in fast-paced legal practice; Business and strategic acumen and commitment to business partnering; Clear and concise verbal and written communication skills; Interpersonal, negotiation, and diplomacy skills. **PREFERRED JOB REQUIREMENTS:** 3+ years' recent experience in health care law and/or health insurance law; Experience furnishing legal support for health insurer operations; Experience working with health insurance regulators.

Attorney

Want to work in a collegial environment with the opportunity to grow and manage your own cases? Park & Associates, LLC is seeking an attorney with 3 or more years of litigation experience. Duties would include providing legal analysis and advice, preparing court pleadings and filings, performing legal research, conducting pretrial discovery, preparing for and attending administrative and judicial hearings, civil jury trials and appeals. Competitive salary and excellent benefits. Please submit resume, writing sample and salary requirements to: jertsgaard@parklawnm.com

In-House Attorney

Pueblo of Laguna seeks applications for the position of In-House Attorney to provide legal services for governmental offices and departments. Reply by February 17, 2022. Position details at: www.lagunapueblo-nsn.gov/elected-officials/secretarys-office/human-resources/employment/

Eleventh Judicial District Attorney's Office, Div II

The Eleventh Judicial District Attorney's Office, Division II, Gallup, New Mexico is seeking qualified applicants for Trial Attorney. The Trial Attorney position requires advanced knowledge and experience in criminal prosecution, rules of evidence and rules of criminal procedure, trial skills, computer skills, ability to work effectively with other criminal justice agencies, ability to communicate effectively, ability to re-search/analyze information and situations. New Mexico State Bar license preferred. The McKinley County District Attorney's Office provides a supportive and collegial work environment. Salary is negotiable. Submit a letter of interest and resume to District Attorney Bernadine Martin, Office of the District Attorney, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to bmartin@da.state.nm.us. Position will remain opened until filled.

Associate Attorneys

Mynatt Martínez Springer P.C., an AV-rated law firm in Las Cruces, New Mexico is seeking two associate attorneys to join our team. The firm's practice areas include insurance defense, civil rights defense, commercial litigation, and government representation. Applicants with 0-5 years of experience will be considered for full-time employment. If it is the right fit, the firm will also consider applications for part-time employment from attorneys with more than 5 years of experience. Associates are a critical component of the firm's practice and are required to conduct legal research; provide legal analysis; advise clients; draft legal reviews, pleadings, and motions; propound and review pretrial discovery; and prepare for, attend, and participate in client meetings, depositions, administrative and judicial hearings, civil jury trials, and appeals. Successful candidates must have strong organizational and writing skills, exceptional communication skills, and the ability to interact and develop collaborative relationships. The firm will consider applicants who desire to work remotely. Offers of employment will include salary commensurate with experience and a generous benefits package. Please send your cover letter, resume, law school transcript, writing sample, and references to rd@mmslawpc.com.

Request For Proposal – Prosecutor Legal Services

Pueblo of Laguna seeks proposals from any law firm or individual practicing attorney to provide prosecutorial legal services for adult criminal or juvenile delinquency cases when there is conflict of interest or unavailability of regular prosecutor. Reply by February 17, 2022. RFP details at: www.lagunapueblo-nsn.gov/rfp_rfq.aspx

Attorneys

Criminal and civil (general and/or family law) attorneys urgently needed in the Taos and Raton areas. Please call or email if interested. Alan Maestas Law Office, P.C. (575) 737-0509 dayt@alanslaw.com

Public Regulation Commission Hearing Examiner (Attorney IV, PRC #53612)

Job ID 120627, Santa Fe; Salary \$34.18-\$54.68 Hourly; \$71,084-\$113,734 Annually; Pay Band LI; This position is continuous and will remain open until filled. Hearing Examiners provide independent recommended decisions, including findings of fact and conclusions of law, to the NMPRC Commissioners in adjudicated cases involving the regulation of public utilities, telecommunications carriers and motor carriers. They manage and organize complex, multi-discipline and multi-issue cases; preside over evidentiary hearings; and write recommended decisions, accomplished by reading and analyzing the evidence, and incorporating that evidence and analysis into a recommended decision similar to a court opinion. The ideal candidate will have experience practicing law in areas directly related to public utility regulation; experience as an administrative law judge or hearing officer; educational experience in areas directly related to public utility regulation, such as economics, accounting or engineering; and experience practicing law involving substantial research and writing. Minimum qualifications include a J.D. from an accredited school of law and five years of experience in the practice of law. Must be licensed as an attorney by the Supreme Court of New Mexico or qualified to apply for a limited practice license (Rules 15-301.1 and 15-301.2 NMR). For more information on limited practice license please visit <http://nmexam.org/limited-license/>. Substitutions may apply. To apply please visit www.spo.state.nm.us

Attorneys

Moses, Dunn, Farmer & Tuthill has openings for a 1-to-3-year attorney and a 5-to-10-year attorney. Our firm practices in a wide variety of civil practice areas serving the needs of our world-wide business clientele, including transactions, employment, litigation, and commercial legal advice. We are an AV Preeminent firm serving New Mexico clients for more than 67 years. We offer a unique billable hours and compensation structure with an emphasis on work-life balance, while providing an opportunity for greater earnings based on productivity. We look forward to talking with you about joining our team! Please send your resume to Alicia Gutierrez, alicia@moseslaw.com.

Associate Attorney

Giddens + Gattton Law, P.C., has served New Mexicans since 1997. Our firm practices primarily in bankruptcy law and represents individuals, couples, farmers, business owners and creditors in solving issues related to debt and credit matters. We are focused on providing excellent client service and high-quality legal representation. Giddens + Gattton Law has been recognized by U.S. News & World Report and Best Lawyers as a Best Law Firm for 5 consecutive years. We are also proud to support family-friendly policies in the workplace and have received Gold recognition for three consecutive years in the New Mexico Family Friendly Business Awards program. Our firm operates with these core values: Customer Focus; Accountability; Integrity; Community; Respect. Position Summary: An ideal candidate for Associate Attorney has 5-plus years of experience working with bankruptcy law (debtor, as well as creditor rights and representation) and commercial litigation. Experience in commercial real estate law is a plus. Candidate must: Have excellent writing and editing skills (writing samples will be required); Be motivated to learn, meet deadlines and work hard; Handle a client caseload independently; Enjoy supervising younger attorneys and support staff; Have the desire to build a portfolio of business. Interested candidates should email a cover letter, resume, references, and writing samples to giddens@giddenslaw.com.

Attorney

Frazier & Ramirez Law is seeking a New Mexico licensed attorney with 2-5 years' 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, who 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.

Child Support Attorney

Interested in working in a fast-paced environment that positively impacts NM families? The New Mexico Human Services Department is accepting applications for Attorney positions in Farmington (HSD #22685 and #49411), Las Vegas (HSD #49402), Clovis (HSD #49410), Las Cruces (HSD #9223), and Alamogordo (HSD #9216). Primary duties will include the establishment and enforcement of child support. The ideal candidate will be a team player and have an interest in public service and domestic relations law. To apply for these positions, please fill out an application at <http://www.spo.state.nm.us>.

Attorney III, PRC # 4206, Job ID 121621

New Mexico Public Regulation Commission - Attorney III, PRC # 4206, Job ID 121621, Santa Fe, Salary Range: \$66,338 - \$106,141 annually, pay band - LH. This is an attorney position within the Office of General Counsel ("OGC") of the New Mexico Public Regulation Commission ("PRC" "Commission"). The OGC acts as legal counsel to the Commissioners of the PRC, providing advice concerning adjudicatory, rulemaking and legislative matters, as well as internal agency issues. This position advises the Commission with regard to procedural and substantive legal issues involving the regulation of public utilities, telecommunications carriers and motor carriers. The attorney will prepare legal memoranda and appear at public meetings to present and provide advice on proposed orders. OGC attorneys also represent the Commission in court proceedings, including appeals before the New Mexico Supreme Court. The position may also draft agency policies and provide advice on internal agency administrative matters. Strong oral advocacy and writing skills are required. Experience in administrative law, regulatory/environmental law and litigation preferred. Minimum qualifications include a J.D. from an accredited school of law and four (4) years of experience in the practice of law. Must be licensed as an attorney by the Supreme Court of New Mexico or qualified to apply for a limited practice license (Rules 15-301.1 and 15-301.2 NMRA). To apply please visit www.spo.state.nm.us.

Supervisory City Attorneys

The City of Albuquerque Legal Department is hiring Supervisory City Attorneys for a number of positions. The work includes management, oversight and development of Assistant City Attorneys, paralegals and staff. Roles may require legal expertise in areas of municipal law such as: administrative and civil litigation; contract law; ordinance drafting; regulatory law; Inspection of Public Records Act; procurement; public works and construction law; real property; finance; labor law; and risk management. Attention to details, timelines and strong writing skills are essential. Five years' experience including at least one year of management experience is preferred. Applicants must be an active member of the State Bar of New Mexico in good standing. Please apply online at www.cabq.gov/jobs and include a resume and writing sample with your application. Current open positions include: Deputy City Attorney of Operations; Managing City Attorney of Property and Finance; Managing City Attorney of Labor and Employment

(NEW) Office of Children's Rights: Supervising Attorney - Education Rights

New Mexico Children, Youth and Families Department (CYFD) Office of Children's Rights is hiring for an Education Rights Attorney Supervisor. Come join our exciting new team. Salary range is \$71,084 - \$113,734 annually, depending on experience and qualifications. Key responsibilities of this position include: providing legal and policy guidance to protect and support young people's education rights at both individual and systemic levels; supervising Every Student Succeeds Act (ESSA) coordinators and monitoring to help assure compliance with ESSA; performing research, case reviews, analysis and staying abreast of relevant federal and state laws to educate others, including senior executives, tribal partners and immigration advocates; and identifying potential case-level issues related to education rights to facilitate timely resolution. For more information, please visit the State Personal office at www.spo.state.nm.us/. You can also contact Office of Children's Rights Director Eli Fresquez at 505-629-9626 or email eli.fresquez@state.nm.us. CYFD is an Equal Opportunity Employer, and we invite all applicants to apply to join our innovative CYFD team to help make a difference in the lives of children and families. Benefits include medical, dental, vision, paid vacation, and a retirement package.

New Attorney (3 years or Less Experience)

If you are a new attorney (3 years or less of experience), or if you are currently in law school and looking for a clerk position that could progress into an associate attorney position after you graduate and pass the bar exam, we would love for you to come join our team. We are a small firm with a big heart and love what we do. We invite you to jump in and move your career forward by joining the exciting world of plaintiff's personal injury law. We are looking for someone who is detail oriented, hard-working, and serious about a future in this specific area of the law. We offer a salary DOE, medical/dental/vision insurance, and 401k. If this sounds like the right fit for you, please contact our office to schedule an interview. All inquiries kept strictly confidential. Please send a resume to staff@lrioslaw.com.

Full Time Housing Attorney

Senior Citizens' Law Office, a civil legal service organization, is advertising for a full time housing attorney. Please go to SCLO's website: www.sclonm.org and click on the Employment Tab on the top of the home page for the full job advertisement

Attorneys

Righi Fitch Law Group is a regional law firm that serves the legal needs of the insurance industry, construction industry, businesses and individuals throughout the states of Arizona, Colorado, New Mexico, Utah, & Hawaii. We are growing our team of motivated and skilled attorneys to be a part of our New Mexico office. Ideal candidates will have the following qualifications: 5 plus years experience in civil litigation; Experience handling and litigating complex bodily/personal injury and wrongful death cases; Experience handling construction defect cases a plus, not required; Experience taking both lay and expert depositions; Strong writing skills; Trial experience a plus, not required. Our law firm is dedicated to meeting all of our clients' needs. We are small enough to maintain personal relationships with our clients and offer cost-effective representation, yet we have the staff and resources to handle complex insurance defense, construction, business, and injury cases. Our office is committed to hiring and retaining a diverse workforce. We are proud to be an Equal Opportunity/Affirmative Action Employer, making decisions without regard to race, color, religion, creed, sex, sexual orientation, gender identity, marital status, national origin, age, veteran status, disability, or any other protected class. We offer a great office environment with remote flexibility, competitive salary and benefits package. For consideration please submit resume, writing sample and salary requirements to Leslie LeRoux, Director of Operations, at Righi Fitch Law Group – leslie@righilaw.com.

Attorneys – Various Positions

The New Mexico Office of Attorney General is recruiting various attorney positions. The NMOAG is committed to attracting and retaining the best and brightest in the workforce. NMOAG attorneys provide a broad range of legal services for the State of New Mexico. Interested applicants may find listed positions by copying the URL address to the State Personnel website listed below and filter the data to pull all positions for Office of Attorney General. <https://www.spo.state.nm.us/view-job-opportunities-and-apply/applicationguide/>

Attorneys

The Third Judicial District Attorney's Office in Las Cruces is seeking a Chief Deputy District Attorney, Deputy District Attorneys, 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.

Attorneys: Join our unique, family-oriented team of professionals!

About Morris Hall, PLLC: Morris Hall, PLLC is a Premier Estate Planning Law Firm currently seeking a motivated and dedicated estate planning and estate administration/probate attorney for our Albuquerque, New Mexico office. This is not just a job, but a special opportunity to have a fulfilling and satisfying career with a firm known in the community for providing a high standard of legal services. What sets Morris Hall, PLLC apart from other firms: We have been in business for over 50+ years and have helped tens of thousands of families; We care, we listen, and provide full family protection with our services; We show compassion for our clients and develop lifetime relationships with them; We are proud members of the American Academy of Estate Planning Attorneys (AAEPA). Benefits: Morris Hall offers a competitive compensation and benefits package that includes: Health insurance; Dental insurance; 401(k) benefits and matching; Competitive amount of paid time off; Referral program; Life Insurance; Long Term disability; Flexible schedule. Skills Needed: 2-6 years' work experience preferred; estate planning background helpful but not required; Potential expansion into Elder Law and/or Estate & Trust Administration; Comfortable presenting to groups of 20-30 people; this attorney will present 2-3 workshops to prospective clients and the public every 4 to 6 weeks; Effective at networking and building relationships with centers of influence; Excited about developing strategies for working with new markets and expanding the client base; Self-Starter, well organized, detail oriented, honest, and straightforward; Compensation competitive based upon education, experience, and skills. If you're a self-starter looking for a challenge with a lot of growth potential, submit your cover letter, resume, and salary history + requirements.

Staff Attorney

New immigration law non-profit seeks Staff Attorney for immigration and civil legal services. Pay range is 50k-70k DOE. Position is based in El Paso, Texas and Las Cruces, NM. Visit <https://jfonelp.org/get-involved/> for full description and application instructions.

Part-Time Real Estate Attorney

Looking for Part-Time Attorney to assist with various real-estate related projects. Approx. 20 hours a week. Potential for full-time position. At least 3 years' experience. Well established real estate firm with well-established client base. Independent Contractor. Malpractice Insurance Included. Rate \$65/hour. Please send resume to astrausmartin@relanm.com

Child Support and Domestic Relations Hearing Officer (FT At-Will)

The Eleventh Judicial District Court is accepting applications for a full-time, At-Will Child Support and Domestic Relations Hearing Officer. This position is under the supervision of the presiding Chief District Court Judge. Successful candidate will be assigned caseloads to include child support matters, domestic violence and domestic relations, consistent with Rule 1-053.2. Qualifications: Juris Doctorate from an accredited law school, New Mexico licensed attorney in good standing. Minimum of (5) five years of experience in the practice of law, with at least 20% of practice having been in family law or domestic relations matters. Ability to: establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing. Extensive knowledge of: New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis. Must be able to demonstrate a work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills. A post-offer background check will be conducted. SALARY: \$53.25 hourly, plus a full benefits package. Please send an application with your resume, and proof of education to the Eleventh Judicial District Court, Human Resources Office, 103 S. Oliver Drive, Aztec, NM 87410, or email to 11thjdchr@nmcourts.gov, or fax to 505-334-7761. A complete application can be found on the Judicial Branch web page at www.nmcourts.gov. Resumes will not be accepted in lieu of application. Incomplete applications, without all required documentation will not be considered. CLOSING: Open until filled

Senior Trial Attorney Positions Available in the Albuquerque Area

The Thirteenth Judicial District Attorney's Office is seeking Senior Trial attorneys. Positions available in Sandoval, Valencia, and Cibola Counties, where you will enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, which provides the opportunity to advance more quickly than is afforded in larger offices. Salary commensurate with experience. Contact Krissy Fajardo kfajardo@da.state.nm.us or 505-771-7411 for an application. Apply as soon as possible. These positions will fill up fast!

(NEW) Office of Children's Rights: Attorney – Disability Rights

New Mexico Children, Youth and Families Department (CYFD) Office of Children's Rights is hiring for a Disability Rights Attorney. Come join our exciting new team. Salary range \$66,338 - \$106,141 annually, depending on experience and qualifications. Key responsibilities of this position include performing research, case reviews, analysis, and staying abreast of relevant federal and state law; educate others, including senior executives, tribal partners, immigration advocates; and identify potential case-level issues related to legal rights and work to resolve barriers. This position will work closely with community partners such as Disability Rights New Mexico, New Mexico Developmental Disability Council, New Mexico Governor's Commission on Disability and other disability rights groups and tribal partners to systematically connect young people with tailored community services, to identify service gaps, and to develop systemic solutions. For more information, please visit the State Personal office at www.spo.state.nm.us/. You can also contact Office of Children's Rights Director Eli Fresquez at 505-629-9626, or email eli.fresquez@state.nm.us. CYFD is an Equal Opportunity Employer, and we invite all applicants to apply to join our innovative CYFD team to help make a difference in the lives of children and families. Benefits include medical, dental, vision, paid vacation, and a retirement package.

Assistant City Attorneys (Various Departments)

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 - APD Compliance; Assistant City Attorney - Litigation (Tort/Civil Rights); Assistant City Attorney - Employment/Labor. For more information or to apply please go to www.cabq.gov/jobs. Please include a resume and writing sample with your application.

Request For Letters of Interest for Legal Services

Notice is hereby given that the City of Albuquerque, The Legal Department calls for Proposals for Request For Letters of Interest for Legal Services. Interested parties may secure a copy of the Proposal Packet, by accessing the City's website at <https://www.cabq.gov/legal/documents/rfli-legal-services.pdf>.

Legal Assistant/Paralegal

Rodey's Santa Fe office is accepting resumes for a legal assistant/paralegal position in Santa Fe. Candidate must have excellent organizational skills; demonstrate initiative, resourcefulness, and flexibility, be detail-oriented and able to work in a fast-paced, multi-task legal environment with ability to assess priorities. Responsible for calendaring all deadlines. Must have a high school diploma, or equivalent, and a minimum of three (3) years' experience as a legal assistant or paralegal in litigation, be proficient with Microsoft Office products and electronic filing and have excellent typing skills. Paralegal skills a plus. Firm offers comprehensive benefits package and competitive salary. Please send resume to jobs@rodey.com with "Legal Assistant - Santa Fe" in the subject line, or mail to Human Resources Manager, PO Box 1888, Albuquerque, NM 87103.

JSC Paralegal

State of NM Judicial Standards Commission located in Albuquerque seeks a JSC Paralegal, an classified, FLSA non-exempt, full-time position with benefits including PERA retirement. Pay Range II \$19,616/hr-\$31,876/hr DOE and budget availability Flexible work schedules available. Successful applicant will work closely with Executive Director, Commission attorneys, and support staff providing a full range of Paralegal functions, including but not limited to assisting in investigations, drafting pleadings, advanced legal research and writing, trial preparation, filing, manual and electronic recordkeeping, and other duties as assigned. Reliability, adherence to strict confidentiality, and exercise of discretion and good judgment are mandatory. Must adapt well to frequently changing priorities and periods of high stress. Must work independently and excel in a collaborative, small office environment. Fluency in Spanish is a desirable asset. No telephone calls, e-mails, faxes, or walk-ins accepted. See full job description and application instructions at <https://humanresources.nmcourts.gov/home/career-opportunities/or> on the Career Opportunities page of the Commission's website (nmjsc.org).

Experienced Paralegal Needed

We are a firm specializing in plaintiff's civil litigation looking for a motivated individual to drive our personal injury cases. A minimum of five years of experience handling personal injury litigation is required. Must be proficient in reviewing medical records, managing discovery, and have a firm knowledge of New Mexico's rules of civil procedure. The caseload will be heavy, but diverse and rewarding. We are a close-knit team looking for someone who is also seeking a stable, long-term career in a cooperative and fast-paced environment. Salary starts at \$28/hour and is dependent on experience. Full benefits available. Due to the demands of this position, full-time is required. We can be flexible if you have a preferred work schedule. All inquiries will be kept confidential and should be emailed to saige@weemslaw.com. Please submit a cover letter and resume. Please also state your current rate of pay and desired rate of pay. Proof of COVID-19 vaccination will be required.

Legal Assistant/Paralegal

Santa Fe law firm, whose attorneys primarily practice in medical malpractice and personal injury, is accepting resumes for a legal assistant/paralegal position. Candidate must possess excellent organizational skills, demonstrate initiative, resourcefulness and flexibility. The ability to work in a fast-paced environment, multi task and assess priorities is a must. Responsible for calendaring. High school diploma or equivalent and a minimum of three years' experience as a legal assistant or paralegal in litigation is preferred. Proficiency in Microsoft Office products and electronic filing. Paralegal skills a plus. Competitive salary dependent on experience. Send resume to lee@huntlaw.com.

Legal Assistant

Well established Santa Fe personal injury law firm is in search of an experienced paralegal/legal assistant. Candidate should be honest, highly motivated, detail oriented, organized, proficient with computers & excellent writing skills. Duties include requesting and reviewing medical records and bills, meeting with clients, opening claims with insurance companies and preparing demand packages. We offer a very competitive salary, a retirement plan funded by the firm, full health insurance benefits, paid vacation and sick leave, bonuses and opportunities to move up. We are a very busy law firm and are looking for an exceptional assistant who can work efficiently. Please submit your resume to personalinjury2020@gmail.com

Legal Secretary

The City of Albuquerque Legal Department (Litigation Division) is seeking a Legal Secretary to assist assigned attorneys in performing a variety of legal secretarial/administrative duties, which include but are not limited to: preparing and reviewing legal documents; creating and maintaining case files; calendaring; provide information and assistance, within an area of assignment, to the general public, other departments and governmental agencies. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Paralegal

Long established Civil Rights Law Firm is seeking a paralegal with working knowledge of federal, state, and local rules, filing procedures, trial preparation, calendaring & discovery. Must possess strong writing, computer, and organizational skills. Must enjoy fighting for justice. We offer a beautiful office space at Luna Santa Fe, 505 Cerrillos Rd, a walkable mixed-use green community with easy parking. We offer retirement, life, and health insurance benefits packages. Salary DOE. Please send both a cover letter and resume to Joseph P. Kennedy at jpk@civilrightslaw.com and Shannon L. Kennedy at slk@civilrightslaw.com.

Office Space

Law Office for Lease

Purpose-built law office for lease. Modern office. 6 professional offices and 10 staff workstations. Stunning conference room, reception, kitchen. Fully furnished. Lots of file storage. Phones and copier available. 1011 Las Lomas Road NE, Albuquerque. Available immediately. Inquiries: admin@kienzlelaw.com.

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Two adjacent offices in a conveniently located professional office complex. The building has six offices, large reception area, kitchenette, and ample parking for clients and professionals. Four offices are currently occupied by two attorneys. Rent includes alarm, utilities, and janitorial services. \$950/mo Basement storage available. Call Donna 505-795-0077.

Miscellaneous

Want To Purchase

Want to purchase minerals and other oil/gas interests. Send details to: P.O. Box 13557, Denver, CO 80201

Search for Will

I am trying to locate a Will executed by Donna Lisa Corazzi. If you prepared this Will and have the original or a copy of it, please contact me at (505) 988-4476 or sbrinck@cuddymccarthy.com. I represent the sister of the decedent who is seeking to be appointed Personal Representative of this Estate. Sandra J. Brinck, Esq., Cuddy & McCarthy, LLP, P.O. Box 4160, Santa Fe, NM 87502-4160, (505) 988-4476.

For Roswell Attorney's - Search for Will

I am searching for a recent will made sometime in 2021 for Jose A. Gallegos (aka Andy) for probate. For more info - contact Gene at 505-699-3710.

2022 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 mulibarri@sbnm.org

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

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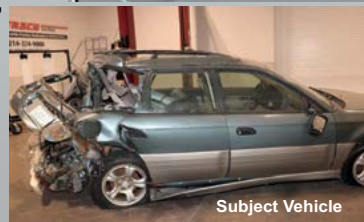
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