

# BAR BULLETIN

November 9, 2022 • Volume 61, No. 21



Cupcake Bronze, by Mark Yale Harris (see page 5)

[www.markyaleharris.com](http://www.markyaleharris.com)

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The logo for CLE PLANNER features the letters 'CLE' in a large, bold, teal font, with 'PLANNER' in a smaller, bold, black font below it. The text is set against a light gray background with a brown triangle in the top-left corner. Below the logo, the text 'Upcoming Programming from the CENTER FOR LEGAL EDUCATION' is written in a smaller, brown font.

# WELCOME TO OUR NEW ATTORNEYS

Modrall Sperling is pleased to announce that Abby Bannon-Schneebeck, Chandler Farnworth and Jeremy Nickell have joined the firm's Albuquerque office as associate attorneys.



**Abby Bannon-Schneebeck**



**Chandler Farnworth**



**Jeremy Nickell**

Abby Bannon-Schneebeck practices in Modrall Sperling's litigation group. Her focus is predominantly on employment matters, personal injury claims, product liability cases, and commercial disputes. While attending law school at the University of New Mexico, Abby became a member of the New Mexico Trial Lawyers Association, the Women's Law Caucus, received the Roehl Mock Trial Award, and graduated *cum laude*. She worked at a variety of local firms and on the New Mexico Civil Rights Commission, assisting in drafting and passing the New Mexico Civil Rights Act.

Chandler Farnworth assists clients on a range of renewable energy project challenges; state and federal environmental permitting; water rights and water quality issues; and adjudicatory, rulemaking, and legislative matters. Before joining Modrall Sperling, Chandler served as a judicial clerk for Judge J. Miles Hanisee of the New Mexico Court of Appeals. At Tulane University School of Law, she was twice published as a member of the Tulane Environmental Law Journal and served as President of Tulane Women in Law. She also gained experience as a student attorney in the Tulane Environmental Law Clinic.

Jeremy Nickell practices in the transactions and litigation groups at Modrall Sperling, focusing on matters involving real estate, tax, commercial transactions, and creditor's rights. Jeremy received his J.D. from Southern Methodist University Dedman School of Law, graduating *magna cum laude*. He served as the Air Law Symposium Managing Editor for the SMU Law Review Association. Jeremy gained valuable experience as a Judicial Intern for Judge Brenda Rhoades, United States Bankruptcy Judge for the Eastern District of Texas, and as an extern for the Federal Trade Commission's Southwest Regional office in Dallas.

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## Meetings

### November

- 9**  
**Animal Law Section**  
noon, virtual
- 10**  
**Children's Law Section**  
noon, virtual
- 17**  
**Elder Law Section**  
noon, virtual
- 18**  
**Family Law Section**  
9 a.m., virtual

### December

- 6**  
**Health Law Section**  
9 a.m., virtual
- 7**  
**Employment and Labor Law Section**  
noon, virtual
- 13**  
**Bankruptcy Section**  
noon, US Bankruptcy Court
- 14**  
**Tax Section**  
9 a.m., virtual
- 20**  
**Solo and Small Firm Section**  
noon, virtual/State Bar Center
- 20**  
**Intellectual Property Law Section**  
noon, JAlbright Law LLC

## Workshops and Legal Clinics

### December

- 7**  
**Divorce Options Workshop**  
6-8 p.m., virtual
- 14**  
**Consumer Debt/Bankruptcy Workshop**  
6-8 p.m., virtual

**About Cover Image and Artist:** Born in Buffalo, New York, Mark Yale Harris spent his childhood enthralled in a world of drawing and painting. Though honored for his creative endeavors, he was encouraged to pursue a more conventional career. After finding conventional success, the artistic passion that existed just beneath the surface was able to present itself. Harris began sculpting, and has since created an evolving body of work in stone and bronze, now featured in public collections, museums and galleries worldwide, including: Hilton Hotels, Royal Academy of London, Marin MOCA, Four Seasons Hotels and the Open Air Museum - Ube, Japan.

# 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](mailto:libref@nmcourts.gov) or visit <https://lawlibrary.nmcourts.gov>.

### Notice of Signature on the Official Roll of Attorneys

All attorneys admitted to the State Bar of New Mexico between April 21, 2020, and Sept. 8, 2022, pursuant to New Mexico Supreme Court Order No. 20-8500-011, must sign the Roll of Attorneys by June 16, 2023. Signing the Roll of Attorneys is mandatory for all attorneys licensed in New Mexico. The Roll is available for signing in the Supreme Court Clerk's Office. The Clerk's Office is located at 237 Don Gaspar Ave., Santa Fe, N.M. and is open from 8 a.m. - noon and 1 - 5 p.m., Monday through Friday, excluding legal holidays. No appointments are necessary.

### Second Judicial District Court Notice to Attorneys

Pursuant to the Constitution of the State of New Mexico, Judge Emeterio L. Rudolfo has been appointed to Division XXI of the Second Judicial District Court by Gov. Michelle Lujan Grisham. Effective Oct. 31, individual notices of judge reassignment will be sent to private attorneys in active cases; a list of active case reassignments will be emailed to the Law Offices of the Public Defender, the District Attorney's Office and the Attorney General's Office in lieu of individual notices of reassignment. An email notification regarding the

## Professionalism Tip

**With respect to the courts and other tribunals:**

I will voluntarily exchange information and work on a plan for discovery as early as possible.

reassignment of inactive cases and probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar. Pursuant to New Mexico Supreme Court Order 22-8500-007, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

### Twelfth Judicial District and Magistrate Courts

#### Notice of Hearing Officer Vacancy

The Twelfth Judicial District Court for Lincoln and Otero Counties is accepting applications for a full-time, at-will Domestic Relations Hearing Officer. The Domestic Relations Hearing Officer will hear matters in both counties. Applicants must hold a J.D. from an accredited law school, a license to practice law in N.M. and five years of experience in the practice of law. For a complete job description and application instructions, please visit the jobs section on the New Mexico Judiciary's website at [www.nmcourts.gov](http://www.nmcourts.gov). Submit the mandatory application form or resume and mandatory resume supplemental form, along with proof of education to Roselyn Flores, HR Department, 1000 New York Avenue, Room 209, Alamogordo, N.M. 88310.

### U.S. District Court for the District of New Mexico

#### Notice to Serve on Federal Bench and Bar Fund Committee

Chief Judge William P. Johnson and the Article III District Judges for the District of New Mexico would like to solicit interest from Federal Bar members for service on the Federal Bench and Bar Fund Committee. This Committee advises the Court and the Fund's Custodian with respect to the administration and operation of the Fund. (Please see Administrative Order Misc. No. 91-09 for more information regarding the Federal Bench and Bar Fund). All interested Federal Bar members in good standing should reply no later than Nov. 23 to the Clerk of Court, U. S. District

Court, 333 Lomas Blvd. NW, Suite 270, Albuquerque, NM 87102; or by email to [clerkofcourt@nmd.uscourts.gov](mailto:clerkofcourt@nmd.uscourts.gov) to be considered for appointment to the Committee.

### Proposed Amendments to Local Rules of Criminal Procedure

Proposed amendments to the Local Rules of Criminal Procedure of the United States District Court for the District of New Mexico are being considered. A "redlined" version (with the proposed amendments to 57.4 Law Student Practice) and a clean version of these proposed amendments are posted on the Court's website at [www.nmd.uscourts.gov](http://www.nmd.uscourts.gov). Members of the Bar may submit comments by email to [clerkofcourt@nmd.uscourts.gov](mailto:clerkofcourt@nmd.uscourts.gov) or by mail to U.S. District Court, Clerk's Office, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 270, Albuquerque, N.M. 87102, Attn: Cynthia Gonzales, no later than Nov. 30.

### STATE BAR NEWS 2023 Budget Disclosure Deadline to Challenge Expenditures

The State Bar of New Mexico Board of Bar Commissioners has completed its budgeting process and finalized the 2023 Budget Disclosure, pursuant to the State Bar Bylaws, Article VII, Section 7.2, Budget Procedures. Starting Nov. 1, 2022, the budget disclosure will be available in its entirety on the State Bar website at [www.sbnm.org](http://www.sbnm.org) on the financial information page under the About Us tab. The deadline for submitting a budget challenge is on or before 5 p.m., Nov. 30, 2022, and the form is provided on the last page of the disclosure document. The BBC will consider any challenges received by the deadline at its Dec. 14, 2022, meeting. Address challenges to: Executive Director Richard Spinello, State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199; or [info@sbnm.org](mailto:info@sbnm.org). Challenges may also be delivered in person to the State Bar Center, 5121 Masthead NE, Albuquerque, N.M. 87109.

## Corrections

In the opinions published in Bar Bulletin issues 18 and 20 of volume 61, readers may have noticed that the district judges were listed incorrectly. In issue 18, published on Sept. 28, opinion number 2022-NMCA-20 lists the district judge as Judge John A. Dean Jr. The district judge should be Judge Dustin K. Hunter. In issue 20, published on Oct. 26, opinion number 2022-NMCA-023 also lists the district judge as Judge John A. Dean Jr. The district judge should be Judge Fred T. Van Soelen. These corrections have been made in the online versions of both issues. We apologize for any confusion or inconvenience the incorrect information may have caused.

### Client Protection Fund Notice of Commissioner Vacancy

In accordance with Rule 17A-005 (B), the State Bar of New Mexico is seeking a Commissioner appointment to the Client Protection Fund. The new commissioner would fulfill the remainder of the current commissioner's term. The term will begin Jan. 1, 2023 and conclude Dec. 31, 2023. The attorney selected for the vacancy will be eligible for up to two more three-year terms. Applicants must be active members of the State Bar of New Mexico. Members can forward their applications to [kate.kennedy@sbnm.org](mailto:kate.kennedy@sbnm.org).

### Employee Assistance Program Lifelines: Information for Your Life

The Solutions Group and EAP invite you to read its Fall 2022 issue of Lifelines, which includes articles from various authors regarding stress relief and overall well-being. You can find the issue by visiting <https://www.sbnm.org/Member-Services/New-Mexico-Lawyer-Assistance-Program/Employee-Assistance-Program>. You may locate the issue under "The Solutions Group Lifelines Newsletter."

### Q4 Webinars

In collaboration with The Solutions Group, the EAP will be running four webinars in the fourth quarter of 2022, which are as follows:

- The Joys and Responsibilities of Pet Ownership: <https://attendee.gototraining.com/rt/6476623091943298818>
- Supporting your Mental Health with Self-Care: <https://attendee.gototraining.com/rt/3997356312703965186>
- Being Civil in an Uncertain World: <https://attendee.gototraining.com/rt/1923279359509323522>
- Secrets to Having More Fun and Less Stress During the Holidays: <https://attendee.gototraining.com/rt/3728360792968765698>

### Equity in Justice Program Have Questions?

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

### Legal Resources for the Elderly Program LREP Holding Two In-Person Workshops

LREP will be holding two in-person workshops on Nov. 10 in Santa Fe and Portales. The Santa Fe workshop will be located in the Mary Esther Gonzales Senior Center at 1121 Alto St., Santa Fe, N.M. 87501. The workshop will involve an LREP attorney-led presentation from 8:30 - 9:45 a.m. followed by a Power of Attorney clinic that will go from 9:45 - 10:45 a.m. The Portales workshop will be located in the Jake Lopez Community Center at 705 E. Lime St., Portales, N.M. 88130. The Portales workshop will include an LREP attorney-led presentation from 10 - 11:15 a.m. and a Power of Attorney Clinic from 11:15 a.m. - 12:15 p.m. Members can pre-register as required by calling 505-797-6005. These workshops are free and open to the public, and family members and care providers for the elderly are invited to attend.

### New Mexico Lawyer Assistance Program NM LAP Committee Meetings

The NM LAP Committee will meet at 4 p.m. on Jan. 12, 2023. The NM LAP Committee was originally developed to

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assist lawyers who experienced addiction and substance abuse problems that interfered with their personal lives or their ability to serve professionally in the legal field. The NM LAP Committee has expanded their scope to include issues of depression, anxiety, and other mental and emotional disorders for members of the legal community. This committee continues to be of service to the New Mexico Lawyer Assistance Program and is a network of more than 30 New Mexico judges, attorneys and law students.

### 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](mailto:pmoore@sbnm.org) or Briggs Cheney at [bcheney@dsc-law.com](mailto:bcheney@dsc-law.com) for the Zoom link.

## **The New Mexico Well-Being Committee**

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

## **New Mexico Medical Review Committee**

### **Notice of Commissioner Vacancy**

In accordance with Section 41-5-14 of the New Mexico Medical Malpractice Act, the State Bar of New Mexico is accepting applications for Chair of the State Bar Medical Malpractice Review Committee. This position will select available members of the Committee to serve on Medical Malpractice Review panels. The position will start Dec. 1, and applicants must maintain membership with the State Bar of New Mexico. Members can send applications to [kate.kennedy@sbnm.org](mailto:kate.kennedy@sbnm.org).

## **UNM SCHOOL OF LAW Law Library Hours**

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

## **OTHER NEWS**

### **The Center for Civic Values Judges Needed for Middle School Mock Trial Program at Bernalillo County Metropolitan Court**

The upcoming New Mexico Middle School Mock Trial Program is an innovative, hands-on experience in the law for seventh and eighth grade middle school students, and it needs judges. This inaugural year, 20 teams from New Mexico will head to Albuquerque to try a case and learn about the judicial system.

The trials will be held Nov. 11-12 at the Bernalillo County Metropolitan Court in Albuquerque. If you have any questions, please contact Kristen Leeds at the Center for Civic Values at 505-764-9417 or [Kristen@civicvalues.org](mailto:Kristen@civicvalues.org).

### **Judges Needed for Gene Franchini New Mexico High School Mock Trial Competition**

The Gene Franchini New Mexico High School Mock Trial Competition, open to any and all high school students, needs judges for its next event. The qualifier competitions will be held Feb. 17-18, 2023 at the Bernalillo County Metropolitan Court in Albuquerque and the Third Judicial District Court in Las Cruces. Those interested in attending the event may sign up at <https://civicvalues.org/mock-trial/registration/judge-volunteer-registration/> by Feb. 4, 2023. Please email any questions to Kristen Leeds at [Kristen@civicvalues.org](mailto:Kristen@civicvalues.org) or by phone at 505-764-9417.



# Board of Bar Commissioners Election 2022



State Bar of  
New Mexico  
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Voting  
begins online  
Nov. 9

Voting in the 2022 election for the State Bar of New Mexico Board of Bar Commissioners begins Nov. 9 and closes at noon on Nov. 30. Voting is being conducted electronically. For voting procedures, see page 16. The following districts have contested elections. See their bios and Q & A below.

**Second Judicial District** – three candidates submitted petitions for two positions. The terms are three years, and the candidates are Deian McBryde, Steven S. Scholl, and Lucy H. Sinkular.

**Third and Sixth Judicial Districts** – four candidates submitted petitions for three positions. There are two three-year terms and one one-year term, and the candidates are Rosenda Chavez-Lara, Ashlea A. Crumley, Concepcion J. Flores, and David P. Lutz.

**Seventh and Thirteenth Judicial Districts** – four candidates submitted petitions for two vacancies. The terms are three years, and the candidates are Joel Cruz-Esparza, Michael Eshleman, Jessica A. Perez, and Simone M. Seiler.

*The following districts were not contested:*

**Fifth Judicial District** – one nomination petition was submitted for the one position. The term is for three years, and Parker B. Folsie was the only submission, so he is elected by acclamation.

**Eleventh Judicial District** – one nomination petition was submitted for the one position. The term is for three years, and Joseph F. Sawyer was the only submission, so he is elected by acclamation.

## Second Judicial District



### ► Deian McBryde

Deian McBryde is a mediator, family law attorney, and *guardian ad litem*. He is Chair of the Solo & Small Firm Section; Council member-at-large for the ABA's General Practice, Solo and Small Firm Division (GPSolo); coaches mediation at the law school; and has served on many committees and projects to support our legal community. Soon after becoming a

licensed attorney, he founded the McBryde Scholarship at UNM School of Law for non-traditional students. Before practicing law, Deian was in private industry in insurance, event production, and business consulting, plus he has owned small businesses for over 25 years. He is a United States Air Force veteran who received many awards and accolades for his service as an enlisted airman. As several people know, Deian was once a professional musician and nightclub singer and is the rare practicing attorney in the State of New Mexico who once had backup dancers. [www.mcbrydelaw.com](http://www.mcbrydelaw.com).

#### 1. Why do you want to serve on the Board of Bar Commissioners?

We are a membership organization. Our governing body must hear a wide variety of members' voices, including those who may not often go to events or join committees. My goal as a commissioner will be to share knowledge about the work of the Board, seek input from more members to do this work, and invite celebration and awareness of our members' successes. I have helped increase participation and engagement by attorneys and firms locally and

in the ABA. I want to help the BBC engage with members in new ways and encourage members to share what's important to their lives and practice with each other and the Board.

#### 2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.

The fundamental human question is, "Am I safe?" This might mean, "Do I have the knowledge to do my job or run my business?" For newer lawyers, it might be, "How do I grow in this career." Others may ask, "How do I find more opportunities in my job?" or "Can I be more efficient?" For some, the question is, "How do I stop or change my practice?" Members from diverse groups might wonder, "How can I be heard and respected?" And, of course, the question most of us ask ourselves every day: "Am I doing this right?" The State Bar should address the things members need to feel safe in their practice and safe when asking for help to make their careers great.

#### 3. How well do you think the State Bar is fulfilling its mission and objectives?

The question answers itself when we ask members, "What is the State Bar's mission?" In responding to this question, I had to look it up. *Hint: It's not on the homepage or the bylaws.* So, if you're reading this, I encourage you to look it up, find the mission, and then ask yourself, "Is this what the Bar does for my friends and me?" If you see opportunities to fulfill the mission better, please support me and engage with the BBC about what members need and expect from our Bar. The State Bar isn't a "they" or "it" – it is "we" and "us." To this end, I think we can do better and may even need a more precise mission to inspire broader member engagement.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

Chair, Solo and Small Firm (SSF), SSF Interaction and CLE committees; SBNM’s Committee for Diversity in the Legal Profession; NM Hispanic Bar Association; ABA’s GPSolo Division Council (member-at-large); ABA GPSolo Programs Board, Membership Board, Member Benefits Board (past Vice Chair), Diversity Board, and 2021-2022 Division Membership Director; SBNM Family Law, ADR, and Children’s Law sections; National LGBTQ+ Bar Association, NM LGBTQ Bar Association, and the LGBTQ+ Family Law Institute (National LGBTQ+ Bar and National Center for Lesbian Rights); Barrister, American Inns of Court; and Fellow, American Bar Foundation. Published in NM Bar Bulletin and GPSolo Magazine. Presented webinars and CLEs for SSF, ABA, ABA GPSolo, and the American Inns of Court. Sponsor of the McBryde Scholarship for Non-Traditional Students at UNM School of Law.



**► Steven S. Scholl**

I grew up in Silver City. My dad was the first Magistrate Judge in Grant County. I literally grew up with Court happening around our kitchen table. I have a BS in Police Science from NMSU. That led me to the Dallas, Texas Police Department in 1980. I spent six years as a Dallas “Po-lice.” I entered UNMSOL and knew I wanted to be a trial lawyer.

Since graduating in 1989, I have spent my free time “paying it forward” by teaching trial practice classes and coaching mock trial, lately with my “team teacher” Winnie the Pooch—no slight to Kevin Holmes and the long list of others. Chris and I raised our two kids here, and they are raising theirs here as well. In addition to doing law stuff, we restore vintage ‘50s camp trailers, drive a 1929 Model A Roadster and boat-camp. Life is Good.

**1. Why do you want to serve on the Board of Bar Commissioners?**

During my 33 years as a member of the New Mexico Bar, I have engaged in a number of “extra curricular” activities apart from the practice of law. New Mexico is a unique state, and we have a unique Bar. Our collegiality and professionalism is also unique. I am eager to do my part to insure that what makes being a New Mexico lawyer a special thing remains intact as we move forward. The Board of Bar Commissioners is a place where my experience can help us preserve the traditions and make the innovations that make the New Mexico Bar special.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

Preserving and protecting what it means to be a New Mexico lawyer is important not only to the members of the Bar, but also, and especially to the people we serve as our clients. The collegiality

of the New Mexico Bar and the things that set us apart from others around the county is worth protecting and preserving.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

I think we are doing pretty well. In the past few years, I have come to appreciate the role of the New Mexico State Bar more than ever. Our website tells the public, “*The mission of the State Bar is to be a united and inclusive organization serving the legal profession and the public*”. To be united and inclusive means that we need to work to insure the Bar reflects the population of New Mexico in our own ranks. That requires the efforts not only of the Bar, but also our relationships with UNMSOL and the other law schools in this region. They are the most significant providers of licensees to the Bar each year. Their recruiting and admission efforts end up reflected in our Bar membership. Our Bar and its relationship with the Courts are also critical in maintaining the integrity of the systems in which we all work; and, the trust and faith that New Mexicans deserve to feel when they become involved in legal situations. Collectively, I believe we all know that and I will work to insure that the Bar continues to work toward its stated goals and mission.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

In addition to my full time practice of law, representing both Plaintiffs and Defendants in civil matters, I spend a lot of time on extra-curricular activities. I am a past President of the Albuquerque Bar Association; and, a two-time past President of the UNMSOL Alumni Board. I served two terms on the Supreme Court’s Rules of Evidence Committee. I am a Bridge the Gap Mentor and an adjunct faculty member at the UNMSOL and the James E. Rogers College of Law at the University of Arizona. I enjoy doing what I can to improve the quality of life for lawyers.



**► Lucy H. Sinkular**

Lucy is a shareholder at Atkinson & Kelsey, P.A., in Albuquerque, where she limits her practice to family law matters. Practicing for 28 years, Lucy comes from a family of lawyers and loves the practice. Lucy’s immediate family includes her husband Scott and their daughter and son who are both finishing graduate studies. Lucy is also “mom” to one very spoiled

pandemic puppy, Labrador retriever and his older sister, the rescued greyhound/Lab mix. Lucy serves as the Senior Warden for her Episcopal Church in Albuquerque. When not practicing law or volunteering for the Bar, Lucy can frequently be found with her husband pursuing outdoor hobbies of camping, running, cycling and hiking.

**1. Why do you want to serve on the Board of Bar Commissioners?**

In short: to have the opportunity to continue work I've already begun! I was appointed to fill an empty Commissioner seat in 2019 and then elected to a three-year term. I have served on the Policy and Bylaws committee all four years, and I am now its co-chair with President-elect Ben Sherman. I have also served on the Finance Committee and was appointed the chairperson for a Special Committee on Sections. I volunteer for Bar activities because I have a great passion for helping other attorneys succeed. To me, collaboration through State Bar service is the best way I know to make a positive difference for my colleagues. I hope to be given the opportunity to continue the work.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

In larger states much of an attorney's initial instruction occurs in the office setting with more experienced attorneys taking the lead. In New Mexico, many attorneys work in solo or small firms; I believe the State Bar should continue to provide *practice resources* to all our attorneys. We should continue to develop robust *programming* that can help us all succeed. As a bar we can be the mentors and teachers to one another. The State Bar should continue to assist all members to comply with Mandatory Succession Planning in Rule 16-119 NMRA. As attorneys we have taken an important oath to serve the public with honor and integrity; we must ensure our clients will be cared for if we can no longer practice.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

The mission of the State Bar is "to be a united and inclusive organization serving the legal profession and the public." We

serve the profession through CLEs, leadership in practice areas and sections and various member services. We serve the public through organizing access to justice and promoting high quality and ethical legal services. I think we're doing pretty well on those two. We do need to work diligently to identify our members' greatest priorities and tailor programs and opportunities to the members' highest needs. I think the State Bar is highly inclusive, but we've got to do more work there. We have ages of discrimination and exclusion to overcome. That important work needs to be a higher priority.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

**State Bar:** Policy & Bylaws Committee, member 4 years, co-chair 1 year; Finance Committee, member 4 years; Special Committee on Sections, co-chair. Membership Services Committee member; Liaison to the Practice Development Program. Representative to the Domestic Relations Rules Committee.

**State Bar Foundation:** Member of Board of Directors for 4 years.

**NM Women's Bar Association Board of Directors:** Treasurer & Immediate Past President.

**Family Law Section Board of Directors:** Member 4 years; CLE committee member.

**Military Spouse JD Network:** New Mexico Licensing Committee member (The Supreme Court recently adopted the rule allowing for special licensing of military spouse attorneys who come to the state accompanying an active duty spouse.)

**American Bar Foundation,** Life Fellow

Occasional family law lecturer in Continuing Legal Education.

## Third and Sixth Judicial Districts



▶ **Rosenda Chavez-Lara**

I have worked as a Guardian ad Litem, Youth Attorney, and Eligible Adult Attorney in Children's Court in the Third Judicial District for over five (5) years. I have a solo law practice focused on representing children and their families in Abuse and Neglect cases and Domestic Relations matters. Before my solo practitioner work, I was a legal

intern at the United States Department of Justice, U.S. Attorney's Office for the Western District of Texas. Additionally, I was a legal volunteer with the Personal Protection Office/End the Violent Encounters (EVE) Inc. in Lansing, Michigan. I managed the US-Mexico Foundation for Science (FUMEC), in Washington, D.C., before attending law school in 2011. Additionally, I am a licensed Elementary School Teacher in Texas.

**1. Why do you want to serve on the Board of Bar Commissioners?**

The people of the 3rd and 6th Judicial Districts live in a legal

desert. Eighty percent (80%) of litigants in the area are often Pro Se because there are not enough attorneys to represent their needs. I want to serve on the Board of Bar Commissioners to promote access to justice in southern New Mexico and to support and grow the legal community in our part of the state by ensuring all attorneys and future attorneys know about and receive the support of the State Bar in their daily practices. My goal is to promote and grow a vibrant legal community in southern New Mexico to ensure the needs of all litigants can be met now and in the future.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

The State Bar of New Mexico must concentrate on supporting and promoting the legal community south of the I-25/40 corridor. Many attorneys who practice in the rural parts of our state are unaware of what resources the state bar can offer to benefit their practice areas. This does not have to be the case, and the Bar must focus on outreach to all of our state. Further, the state bar should also work to promote and facilitate collaboration amongst attorneys to better serve the community, especially in Dona Ana County. Attorneys face the same issues daily, and by fostering

community and collegiality amongst the legal community, we can all provide better access to justice for our clients and community.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

I believe the State Bar is fulfilling its mission and objectives in the northern portion of the State of New Mexico; however, the southern part of the state needs an increased presence to promote its mission and objectives. Further, the needs of attorneys in the 6th and 3rd Judicial Districts are unique, and the Bar has not tailored its services to the communities and attorneys who serve them in southern New Mexico. I plan to work to change that.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

I volunteer at the Third Judicial District - Pro Se Clinic monthly. This is a part of my passion for promoting access to justice for all of Dona Ana County. I am a Dona Ana County Bar Association member and attend both social and CLE events. Further, I participate in my county's Court Appointed Special Advocates workgroup.



▶ **Ashlea A. Crumley**

Ashlea Crumley is an attorney in Deming at Benting Law Firm, LLC. Her practice primarily encompasses Luna, Grant, and Hidalgo counties. She is a lifelong resident of New Mexico. She attended New Mexico State University at Las Cruces (B.A., 2009) and she graduated from Mitchell Hamline School of Law in 2020. In her free time, Ashlea enjoys

spending time with her husband and four sons, traveling, reading, and participating in local community activities.

**1. Why do you want to serve on the Board of Bar Commissioners?**

I want to serve on the Board of Bar Commissioners to represent my community in the 6th judicial district. I am the only candidate running for a position whose principal place of practice is in the 6th judicial district. I would appreciate the opportunity to serve my community and my state in a role that I believe significantly impacts the legal profession in New Mexico.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

One important issue that I believe the profession and the State Bar should promptly attend to is the lack of attorneys serving Southwestern New Mexico. Attorneys in this part of our state would likely agree that it is difficult to attract and to keep attorneys in this area.

Another issue that requires attention is the lack of free legal services available to low-income households. It has been my experience that most free legal resources that are available to the public are concentrated in our state's cities. This lack of an effective outreach to rural areas in conjunction with an overall lack of available attorneys in these areas results in a population that are not having their legal needs met.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

Because there is a lack of readily-available information from the State Bar regarding the current status of its objectives statewide, I struggled to answer this question. As of this writing, the most recent meeting minutes from the Board of Bar Commissioners available online is over a year old. Also as of this writing, the most recent annual section and committee report available online only addresses the year 2020. I do not believe the State Bar has effectively communicated enough data and information to its members for its members to know whether its mission and objectives are being met or not.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

There have been minimal local opportunities for my involvement in law-related organizations since I became licensed to practice law in 2020. An appointment to the Board of Bar Commissioners would enable me to become more involved in my legal community on a state-wide scale. Presently, I am involved in the Volunteer Attorney Program through New Mexico Legal Aid, Inc. I also maintain my connections with members of my local legal community however, we do not have a local bar.



▶ **Concepcion J. Flores**

Connie J. Flores is a partner at Flores, Tawney, Acosta P.C, specializing in cases involving personal injury to include on the job injuries, premises liability, Dram Shop, nursing home and representing victims of sexual abuse in civil lawsuits. Her mission is to help injured people that have been treated unjustly by insurance

companies. As a fluent Spanish speaker, Ms. Flores enjoys representing individuals who otherwise would not be able to effectively communicate their issue to an attorney. Ms. Flores attended the University of Denver and graduated in 2003. She attended UNMSOL graduating in 2008. She was admitted to practice law in New Mexico in September 2008 and Texas in May 2009. Ms. Flores, who became a teenage mother at the age of 15, has been asked on numerous occasions to be a keynote speaker at local area high schools addressing the issues

surrounding teenage pregnancy, in an effort to encourage teenage parents to continue their education and attend college.

**1. Why do you want to serve on the Board of Bar Commissioners?**

I have had the honor to serve as a Commissioner for the Third and Sixth Judicial District since January 2020. As we all know, COVID came and changed our lives in 2020. Although my initial involvement started by Zoom, I made it a point to personally attend most live meetings in Albuquerque and Santa Fe to properly represent my districts. Through my involvement as a Commissioner, I realized how much time and true dedication the Commissioners give to make our New Mexico legal profession an exemplar one. I want to continue to improve my knowledge as a Commissioner to better serve Southern New Mexico.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

An important issue that the profession and the State Bar should address is exposure to free legal services for the underprivileged. Through continuously volunteering at free legal clinics in the Dona Ana community, it became apparent to me that many do not understand legal correspondence they receive or how to begin to respond to legal issues that arise. Being the daughter of an immigrant mother who lost her son to a criminal act, I remember how confused and overwhelmed my mother felt dealing with the legal system. As a State Bar, we need to strive to have all our legal professionals give back to our communities especially the underprivileged. Volunteering to provide our services is a very rewarding experience. Even one hour of volunteer work can change an individual's life.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

I believe the State Bar offers a variety of programs and services to its members. In particular, the bar created the Bridge the Gap Mentorship (BTG) program. The BTG was created in order to assist new attorneys in the transition from law school to the actual legal practice by providing real-world information and best practices from tenured attorneys. Having been fortunate enough to have mentored at least five newly licensed attorneys through this program, I realized the benefit of having a mentor who provides guidance as a newly licensed attorney transitions from law school to the legal profession. I firmly believe this program accomplishes its mission in assisting attorneys to become successful practitioners.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

Current Board Commissioner for the Third and Sixth Judicial District, Current board member for El Paso Trial Lawyers Association, New Mexico Trial's Lawyer's Association, El Paso Bar and the liaison for the BBC with the New Mexico Board of Examiners. Past board member of New Mexico Hispanic Bar El

Paso Women's Executive Association and Alzheimer's Association. Member of the El Paso Women's Bar Association, State Bar of Texas, State Bar of New Mexico, State Bar of Arizona, and ABA.



**▶ David P. Lutz**

I was born in Las Cruces, New Mexico. I graduated from Onate High School in 1993. After college, I attended Cornell Law School and graduated in 2000. I returned to New Mexico in 2004 and have been here in Las Cruces ever since. I currently work with my father at Martin & Lutz, P.C., a general practice law firm in Las

Cruces, New Mexico. We handle a variety of civil, domestic relations, and other matters in State and Federal Courts in both New Mexico and Texas. It is a diverse and rewarding practice that presents new and interesting challenges every day. Beyond the practice of law, I enjoy spending time with my family taking part in the cultural opportunities exist here in my hometown of Las Cruces, whether at New Mexico State University or beyond. I very much enjoy living here and practicing law here.

**1. Why do you want to serve on the Board of Bar Commissioners?**

I've been very proud to serve on the Board of Bar Commissioners for the last six years. Most significantly, these years saw a change to our District boundaries to include the El Paso area and add an additional Commissioner. As noted in the following paragraph, the State Bar has many important issues that it continues to work to address. I would like to continue to work on the Board of Bar Commissioners to improve the practice of law for New Mexico-licensed attorneys.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

The State Bar of New Mexico plays a pivotal role both in terms of member services and to serve the general public with respect to issues related to lawyers and the practice of law. The State Bar of New Mexico should continue to examine and address its importance to its members at a time when the number of lawyers in New Mexico is not increasing at the pace of the workload of the legal profession throughout New Mexico.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

I believe the State Bar of New Mexico is doing a very good job fulfilling its mission and objectives. From serving on the Board over the last three years, I was so impressed with how the State Bar staff responded to the challenges of COVID. The State Bar continued to define its relationship with the New Mexico State Bar Foundation and adjusted the Annual Meeting to reflect the challenges of the time. In doing so, the

State Bar continues to provide low-cost, and at times no-cost, CLE options for its membership. The State Bar has worked to provide remote options for member services and member participation in line with the challenges the legal world has seen over the last three years. I hope to continue working with the State Bar to find ways to serve members throughout the State of New Mexico.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

I am a member of both the State Bar of New Mexico and the State Bar of Texas. I served on the Board of the Young Lawyers Division of the State Bar of New Mexico from 2007 through 2011 representing the southwest region of New Mexico. I have served as the representative for the Third District, covering the Third Judicial District, Sixth Judicial District, and El Paso area, on the Board of Bar Commissioners from 2017 through 2022. I would be honored to continue to serve for a final term.

## Seventh and Thirteenth Judicial Districts



▶ **Joel Cruz-Esparza**

Mr. Cruz-Esparza has dedicated his legal career on behalf of New Mexico communities, first as a legal services attorney in southern NM, later as head of the NM Attorney General’s Consumer Protection Division, then founding a non-profit legal services organization serving immigrants and Spanish-speakers. He recently became the

director of Laguna Pueblo’s Office of Family Legal Services. His family immigrated to the United States from Mexico when he was a minor and attended public schools in both countries. He attended the University of California at San Diego and Los Angeles as an Affirmative Action student earning a Bachelor’s Degree in psychology and a Juris Doctorate.

**1. Why do you want to serve on the Board of Bar Commissioners?**

I am committed to justice for all New Mexicans and I am especially committed to increasing the number of lawyers from diverse communities, particularly rural, Spanish-speaking, Hispanic, and Native populations. Serving on the Board of Commissioners will allow me the opportunity to advance these commitments further.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

Issue: Diversification of Bar Membership- recruiting and admitting to the Bar members of the various minority communities in New Mexico.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

Since I became a member of the NM State Bar in 1982, the legal profession, via UNM School of Law and the New Mexico State Bar, has moved in the direction to diversify its membership. Since then, more women and members of minority groups have joined the NM State Bar. However, more can be done to take into consideration the experiences and talents of potential

Bar members in order to reach a true representation of the New Mexico population at large.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

I have served on the Southern New Mexico Legal Services Board, the American Bar Association, Tax Section, the Immigration and Solo and Small Firm Sections of the State Bar. I have participated in the Bridge the Gap Mentorship Program of the State Bar and have mentored several first-year members of the bar.



▶ **Michael Eshleman**

I have been the Sandoval County Attorney since July 2021, managing a staff of eight. I was the Otero County Attorney from 2017 to 2021. I was a public defender in Hobbs from 2012 to 2013, where I handled the Children’s Court docket. I have been in private practice in Ohio and Alaska. My law degree is from the University of Dayton, my

undergraduate degree in political science is from the University of Cincinnati, and I have a master of library science degree from Indiana University. (Go Flyers, Bearcats, and Hoosiers.) In Alamogordo, I was on the board of the Rotary Club of White Sands and chairman of the Alamogordo Public Library Advisory Board. I live in Rio Rancho.

**1. Why do you want to serve on the Board of Bar Commissioners?**

My first involvement with the State Bar was to assist with editing *Bar Bulletin* articles. I’d been involved with local bar associations previously. Because of my involvement, I applied for an appointment to the Board of Bar Commissioners and was chosen. I served in 2020 and 2021 when the State Bar and everything else was in flux because of the coronavirus. Now that normalcy is returning, I would like to interact more with the membership

and work on the goals set forth in Rule 24-101 including access to justice.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

The State Bar should work with the Legislature and others on providing resources to ensure access to justice. There are counties with few or no attorneys in private practice. The courts and public defenders need staff to handle their caseloads. The State Bar should continue its efforts to assist lawyers with challenges such as stress and burnout.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

The first goal set by the Supreme Court in establishing the State Bar is “to aid the courts in improving the administration of justice.” Another is “to participate in the legislative, executive, and judicial processes” on improving the legal system. That fits with my answer above about access to justice. The State Bar should continue its work to educate the public and the Legislature about these needs.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

I was appointed to the Board of Bar Commissioners, serving in 2020 and 2021. I am a member of the Board of Editors of the *Bar Bulletin* and have assisted authors in polishing their articles. I was president of the Lea County Bar Association in 2013 and later served as secretary of the Twelfth Judicial District Bar Association. I was a member of the Criminal Justice Coordinating Committee in Otero County. I have been chairman of the County Attorney Affiliate of the New Mexico Association of Counties since 2020 and was secretary from 2018 to 2020. I have given CLE presentations on copyright and civil procedure.



▶ **Jessica A. Perez**

Jessica Perez is an Assistant District Attorney in the 13th Judicial District within Sandoval County. There, she works primarily as a felony trial attorney, handling cases of drug trafficking, domestics, and all juvenile delinquency cases. She manages expungement and extradition matters in the office. In addition to her work as a prosecutor,

Jessica likes to be involved with the legal community through volunteer work. She serves on the Young Lawyer’s Division Board and the Prosecutor’s Section as the 2022 Chair and as a delegate for the State of New Mexico within the American Bar Association YLD Assembly. She has been awarded as the 2019 Community Service Prosecutor of the Year by the New Mexico District Attorneys’ Association and by the Prosecutors Section in

2020 for prosecutorial excellence. On the rare occasion that she’s not working, Jessica enjoys reading, hiking with her dog, and she’s a big fan of sleeping.

**1. Why do you want to serve on the Board of Bar Commissioners?**

I want to be an active representative for the Seventh and Thirteenth Judicial Districts. New Mexico is a state that has a variety of makeups when it comes to the legal community. From the metro area of the state to the most rural locations, these communities have a variety of specialized needs and a commissioner’s job is to represent those needs to the governing body. Working in a district that’s near the metro, but being rural, I get to see the different legal cultures. I want to serve on the Board of Bar Commissioners because I want to contribute towards the betterment of this state.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**

An issue that I believe that should be addressed is to make more of an effort to ensure people within the legal community know that the State Bar is there as a resource for them. We should be working to ensure there is more transparency within the organization, more engagement with its members, and to ensure that members of the community feel comfortable addressing grievances or concerns. As the legal practice grows and changes throughout the years, lawyers should feel that their overseeing body is accessible to them rather than the State Bar being a masked entity inaccessible to the average community member. Everyone in the legal community should feel as though they can approach their elected commissioner and be heard by the State Bar.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**

The State Bar’s mission is to be a united and inclusive organization serving the legal profession and the public. While, overall, I believe that the State Bar is doing a good job meeting that mission statement, there is always room for improvement. It would go back to what I noted previously as something that should be emphasized more to members of the State Bar - the Board of Bar Commissioners and the State Bar are there for them. Commissioners are a united body of representatives directly to the State Bar coming from across New Mexico. More transparency and engagement with the various communities is where the State Bar can go from fulfilling its mission and objectives to excelling at them.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**

I have been involved with the State Bar since law school when I served as Student Bar Association President and was able to sit on the Young Lawyer’s Division board. Once I was sworn in, I ran for, and won, the seat for Region 5 Director on that same board. Since that time, I’ve strived to dedicate time to other opportunities as well. Currently, I serve as the chair of the Young Lawyer’s Division, which grants me a seat on the Board of Bar Commissioners at present, and the Prosecutor’s Section. Nationally, I have been a

New Mexico delegate to the American Bar Association Young Lawyer's Division assembly for several years now and served as a 2021 ABA Young Lawyer's Division Scholar.

▶ **Simone M. Seiler**



Simone M. Seiler is staff attorney at the Thirteenth Judicial District Court. She is a 2006 graduate of the University of New Mexico School of Law. In 2007 she passed the patent bar and began representing clients before the United States Patent & Trademark Office. Simone spent the first half of her legal career working for a private civil and intellectual property law firm, and the second half working for the Human

Services Department and the Thirteenth Judicial District Court. Simone is a commissioner on the Board of Bar Commissioners representing the Seventh and Thirteenth Judicial Districts. She is past chair of the State Bar of New Mexico Intellectual Property Section, and served on the boards of the Animal Law Section and the New Mexico Women's Bar Association.

**1. Why do you want to serve on the Board of Bar Commissioners?**  
The Board of Bar Commissioners needs members who have an interest in supporting and advocating for members and populations outside of the urban centers in New Mexico. I have practiced extensively in the Seventh and Thirteenth Judicial

Districts, and I am familiar with the needs and interests of the attorneys in each of the counties. It would be an honor to represent their interests as a member of the Board of Bar Commissioners.

**2. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.**  
There are multiple issues that the State Bar needs to address. Those include outreach to members who practice outside of the urban areas of the state, providing simplified access to relevant appellate decisions as they are released, and increasing access to legal services for New Mexicans of modest incomes.

**3. How well do you think the State Bar is fulfilling its mission and objectives?**  
Now that I have seen the complexity and begun to understand the difficulties the State Bar has to navigate, I believe the State Bar is fulfilling its mission and objectives. I believe the State Bar needs to be proactive in communicating the challenges and the work it performs to meet those challenges to the membership.

**4. What has been your involvement in the State Bar and/or other law-related organizations, such as national, local and voluntary bars?**  
I have been a board member of the Women's Bar Association and a member of the Valencia County Bar Association. I have spent several years on the boards and in leadership roles of the Intellectual Property Section and the Animal Law Section of the State Bar. Most recently, I have been the commissioner representing the Seventh and Thirteenth Judicial Districts at the Board of Bar Commissioners.

## Electronic Voting Procedures

A link to the electronic ballot will be emailed on Nov. 9 to all active status members with a principal place of practice (address of record) in the Second, Third and Sixth Judicial Districts (and El Paso County, Texas who shall vote for nominees in the Third and Sixth Judicial Districts), and the Seventh and Thirteenth Judicial Districts.

**The election will close at noon on Nov. 30, at which time the election results will be certified.**





# 2022 University of New Mexico School of Law Swearing-In Ceremony

By Brandon McIntyre



State Bar of New Mexico  
President Carolyn Wolf

On Oct. 13, 2022, 95 graduates from the University of New Mexico School of Law were sworn in as members of the State Bar of New Mexico. The well-attended event, last hosted in-person in 2019, took place in the UNM School of Law's courtyard, where Supreme Court Chief Clerk Elizabeth A. Garcia gave the oath of attorneys and multiple speakers issued remarks on the importance of serving New Mexico's legal community. The speakers included Chief Justice C. Shannon Bacon, Senior Justice Michael E. Vigil, Justice David K. Thomson, Justice Julie J. Vargas and Justice Briana H. Zamora, retired Judge and Chair of the Board of Bar Examiners Henry A. Alaniz and State Bar of New Mexico President Carolyn Wolf.

"The State Bar has been the uniting and binding organization for attorneys serving the legal profession and the public in New Mexico for over 136 years," said President Carolyn Wolf, who congratulated the graduates and spoke about a variety of functions provided by the State Bar to its members. "I look forward to meeting you as you start your attorney journey!"

"This is a memorable day for each person because it represents the culmination of many years of hard work and commitment to the goal of becoming an attorney," Chief Justice Bacon stated. "This is a proud moment for each of the new attorneys."



# Assembling the Tools to Feel 5% Better

by Kate Kennedy, MJ, State Bar of New Mexico, Office of General Counsel Deputy Director

## Want to skip all the research? Just read this:

Three things you can do today to feel better (and who doesn't want to feel better?):

- 1. SLEEP:** Getting enough quality sleep enables appropriate emotional responses, improves learning and cognition and allows you to be more physically healthy.
- 2. BREATHE:** Establishing a breathing practice teaches the mind and body to put a wedge (pause) between thought and action.
- 3. MOVE:** Physical activity of all kinds flushes cortisol (stress hormone) from the body and increases dopamine, serotonin and endorphins (feel-good neurochemicals) in the body.



Studies supporting getting enough sleep, breathwork and physical movement are voluminous. These three actions, together and separately, can immediately improve your body's ability to move through stress and land on the other side. When humans experience stress, get through it, but fail to recover, the body retains the stressor and perceives it as an ongoing threat<sup>1</sup>. During a stressful moment, the amygdala, as part of the command center of the brain, floods the body with hormones, which we, evolutionarily, use to either fight or flee.

Even though stress has evolved over time, it is still woven into our daily human experience. Our ancestors were worried about being attacked, or even eaten, by predators. Today, we stress about bills, family and deadlines. And stress isn't always a bad thing. (I know, this just keeps getting wilder and wilder.) Family can be a wonderful part of life, and deadlines keep us moving forward. In fact, research from Stanford suggests that stress can be "linked to improved performance," and some "individuals may find that stress can increase efforts and improve performance in some instances." Stress is the body's way of indicating you care. You might push a little harder at work if it means putting food on the table for your family. If we shift our perspective to see stressors as invaluable challenges, we can continue to learn and grow.

Stress becomes less of a good thing when we don't recover from it. Over time, if we don't reassure our bodies that we are ok after a perceived threat, the hormones floating in our system keep us revved up and in a state of chronic, low-level stress. Recovery is regaining the possession of a more normal state. Normal is the place you were before that deadline caused a massive disruption in your life. Normal is what you feel like when bills are paid, clients are largely content and the kids are in bed.

Without proper recovery, without taking time to return to "normal," we are susceptible to burnout. Burying stress after stress throughout our body will drive us towards burnout. Burnout is emotional exhaustion brought on by caring too much, for too long<sup>2</sup>. It can be categorized by three symptoms: exhaustion, depression and cynicism<sup>3</sup>. Steven Kotler, in *The Art of Impossible*, states, "Burnout isn't just extreme stress; it's peak performance gone off the rails... (b) burnout costs you both motivation and momentum... chronic stress interferes with cognitive function... producing poor quality work that needs to be redone... has permanent neurological effects on everything from problem-solving to memory to emotional regulation..."<sup>4</sup>.

## How do I know I'm burnt out? What does that look like? What does it feel like?

Burnout is a deep feeling in our bodies. It manifests differently for everyone. Burnout is exhibited by a lack of empathy and the overwhelming feeling that nothing you do makes a difference. Herbert Freudenberger, a German psychologist, began to explore the concept of burnout back in 1974 in an article titled 'Staff Burnout.'<sup>5</sup>

In his article, Fruedenberger describes the feeling of burnout as "becoming exhausted by making excessive demands on energy, strength or resources." Burnout, he remarks, occurs largely in situations requiring ongoing emotional work, empathy, personal involvement and intrinsic motivation. This sounds eerily like a typical day in the life of many attorneys.

The physical symptoms, Fruedenberger notes, can be exhaustion, fatigue, headaches, gastrointestinal disorders, sleeplessness and shortness of breath. Emotionally, burnout looks like frustration, anger and depression. It may even result in a seemingly over-the-top, possibly volcanic reaction to a minor occurrence. (We've all been there; road rage anyone?)

## Who does burnout effect?

Largely, it's the 'Human Givers' of the world. These are teachers, health care workers, and, you guessed it, attorneys. Attorneys are vulnerable to burnout largely due to the demanding, competitive and perfectionist nature of the field.

## Well, I can't quit. Remember? Bills, deadlines and family! Tell me what to do!

Remember when we talked about recovery? That's what we are trying to accomplish. If we don't tell our body that the threat has abated, then we are constantly in "fight" mode. Our bodies cannot distinguish between a large, physical predator chasing us through the Savannah and a stressful week at work. Performing one quick, easy action tells our body that it survived the threat(stress) and we are safe. With the remnants of that stress sitting deep in our tissues, it's as if the threat is ever-present.

I get it; once the kids are in bed, you don't want to do anything else. "Wellness" can feel like a chore. In reality, breathwork, the act of doing nothing but sitting and breathing, feels like a time suck that is an impediment to our goals. There is actual stuff to do! The good news is that

wellness can be a minimal time investment with enormous impact on your health, career and family interactions.

So let's build a toolbox of actions to support recovery from stress. If you fill the toolbox with these three, simple essentials, you may start feeling a little bit better.

- 1. Movement.** Physical activity is the single best way to tell your body you have survived a stressor. Can you be physically active for just 20 minutes a day? This can be whatever works for you. Walk around the block. Dance in your kitchen. Pull some weeds. Heck, clean a toilet! Just, move your muscles.
- 2. Sleep.** In a world where obligations outpace time and energy, sleep might be the most important tool in the toolbox we are assembling. Sleep is the cleaning company of your body. What if you got in bed just 15 minutes earlier tonight? See if you feel just a little bit better tomorrow.
- 3. Breathwork.** "We are most effective at dealing with life's challenges when we're aware, observant, nonreactive and nonjudgmental" Enter: a breathing practice. Some of you may refer to it as meditation. Breathwork does not have to be a spiritual practice, but rather, the practice of placing a "gap" or a "wedge" between your thoughts and your reactions. Think of it as a cognitive tool. The Navy SEALs use breathwork in high-stakes, tactical missions to calm their bodies and create a gap between the feeling in their body and the move they are about to make. What if you incorporated breathwork on a random Tuesday?

Breathing, meditating, sitting, whatever you need to refer to it as, can neutralize a potential stress response and reprogram the brain. Studies show stress reduction with just five minutes a day<sup>6</sup>. Feel good? Keep

going. The larger cognitive benefits, focus, resilience and emotional control are heightened in a practice of 12-20 minutes a day.

Is there one small action—especially the ones listed—you can take to feel a little better? This isn't about perfection. It's about feeling 5% better. And better is *better*. Over time, tiny actions add up. These minor behaviors accumulate into massive benefits reflecting on work performance, emotional regulation and general happiness. Don't change everything at once. Pick one. Start with an earlier bedtime. Turn your favorite song on loud for the drive home. Or, legitimately, take one long breath tomorrow at 9 a.m. If that feels good, incorporate something small next week. You want to keep going in your daily life. Assemble the toolbox that helps you do that. ■

#### Endnotes

- <sup>1</sup> Nagoski, Emily, and Amelia Nagoski. *Burnout: The Secret to Unlocking the Stress Cycle*. Ballantine Books, 2020.
- <sup>2</sup> Nagoski, Emily, and Amelia Nagoski. *Burnout: The Secret to Unlocking the Stress Cycle*. Ballantine Books, 2020.
- <sup>3</sup> "Burnout an "Occupational Phenomenon: International Classification of Diseases," World Health Organization, May 28, 2019, [https://www.who.int/mental\\_health/evidence/burn-out/en/](https://www.who.int/mental_health/evidence/burn-out/en/)
- <sup>4</sup> Kotler, Steven. *The Art of Impossible: A Peak Performance Primer*, HarperCollins, New York, 2021.
- <sup>5</sup> Freudenberger, H. J. (1974). Staff burn-out. *Journal of Social Issues*, 30, 159-165
- <sup>6</sup> Amy Lam, "Effects of Five-Minute Mindfulness Meditation on Mental Health Care Professionals," *Journal of Psychology and Clinical Psychology*(March 26, 2015)

## Mandatory Succession Planning Rule - effective October 1, 2022

- On the 2023 Annual Registration Statement, New Mexico Attorneys will be required to certify their compliance with Rule 16-119 NMRA.
- Rule 16-119 requires every attorney practicing law in New Mexico to have a written succession plan.
- Find out more regarding the Rule and its requirements by:
  - Listening to a succession planning podcast on *SBNM is Hear*
  - Attending a CLE webinar on Succession Planning on October 12, 2022

Contact the State Bar Professional Development Program at 505-797-6079 or the State Bar Regulatory Programs at 505-797-6059. Visit [www.sbnm.org/successionplanning](http://www.sbnm.org/successionplanning) for sample plans and resources.



State Bar of  
New Mexico  
Est. 1886

# Legal Education

## November

- |  |  |   |
|--|--|---|
| <p>9 <b>Wait, My Parents Were Wrong? It's Not All About Me? (with Stuart Teicher)</b><br/>3.0 EP<br/>In-Person or Webcast<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                                     | <p>16 <b>Developing Individual and Community Resiliency</b><br/>1.5 G<br/>Web Cast (Live Credits)<br/>Administrative Office of the US Courts<br/>www.uscourts.gov</p>                | <p>21 <b>Adobe Acrobat DC: The Basics for Lawyers and Legal Professionals</b><br/>1.0 G<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>        |
| <p>9 <b>Learn by Doing: An Afternoon of Legal Writing Exercises (with Stuart Teicher)</b><br/>3.0 G<br/>In-Person or Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                                  | <p>17 <b>Diversity, Equity &amp; Inclusion in Law Practice</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                                | <p>23 <b>Ethics of Identifying Your Client: It's Not Always Easy</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>            |
| <p>10 <b>The Paperless Law Firm: A Digital Dream</b><br/>1.0 EP<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>17 <b>2022 Probate Institute</b><br/>6.25 G, 1.0 EP<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>  | <p>30 <b>Liquidation: Legal Issues When a Client Decides to Close a Business</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> |
| <p>10 <b>15th Symposium From a Full House to Parenting Apart</b><br/>18.5 G<br/>Live Program<br/>Association of Family and Conciliation Courts<br/>www.afcnet.org</p>  | <p>18 <b>Women in the Courtroom</b><br/>4.0 G, 2.0 EP<br/>Live Program<br/>New Mexico Defense Lawyers Association<br/>www.nmdla.org</p>  | <p>30 <b>Drug Testing and the Chain of Custody</b><br/>2.0 G<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                                   |
| <p>15 <b>A Changed Income Tax Landscape for New Mexico Families</b><br/>1.0 G<br/>Webinar<br/>New Mexico Legal Aid<br/><a href="https://bit.ly/taxcle2022">https://bit.ly/taxcle2022</a><br/>www.newmexicolegalaid.org</p> | <p>18 <b>Damages and Evidence</b><br/>5.2 G, 0.7 EP<br/>Web Cast (Live Credits)<br/>New Mexico Trial Lawyers Association &amp; Foundation<br/>www.nmtla.org</p>                      | <p>30 <b>Determining Competency and Capacity in Mediation</b><br/>2.0 G<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                        |
|  | <p>18 <b>2022 Animal Law Institute: Animals, Agriculture, and the Planet</b><br/>3.0 G, 1.0 EP<br/>In-Person or Webcast<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> |   |

## December

- |  |  |   |
|--|--|---|
| <p>1 <b>Spanish for Lawyers I</b><br/>20.0 G<br/>In-Person<br/>UNM School of Law<br/>lawschool.unm.edu</p> | <p>5 <b>Professionalism for the Ethical Lawyer</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> | <p>5 <b>Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>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](mailto:notices@sbnm.org). Include course title, credits, location/course type, course provider and registration instructions.

## December (cont.)

- |  |  |   |
|--|--|---|
| <p>5     <b>Destination Puerto Rico</b><br/>13.0 G, 2.0 EP<br/>Live<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>9     <b>Selection and Preparation of Expert Witnesses in Litigation</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>           | <p>22    <b>Ethics in Negotiations - Boasts, Shading, and Impropriety</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> |
| <p>6     <b>“Let Me Ask You a Question. Suppose I was Considering ..”: A Mock Meeting of the Ethics Advisory Board</b><br/>2.0 EP<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> | <p>13    <b>Gain the Edge! Negotiation Strategies for Lawyers</b><br/>5.0 G, 1.5 EP<br/>In-Person and Webcast<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>27    <b>Ethics and Virtual Law Offices</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                            |
| <p>6     <b>Well That Seemed Like a Good Idea: Practical Best Practice Tips</b><br/>1.0 EP<br/>Webinar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>  | <p>14    <b>2022 Ethics Update, Part 1</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>28    <b>Lawyer Ethics of Email</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                                    |
| <p>7     <b>Rights of First Offer, First Refusal in Real Estate</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>14    <b>2022 New Mexico Tax Conference</b><br/>6.5 G, 1.0 EP<br/>In-Person and Webcast<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                      | <p>29    <b>Ethics and Conflicts with Clients, Part 1</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                 |
| <p>8     <b>Ethics of Beginning and Ending Client Relationships</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>  | <p>15    <b>2022 Ethics Update, Part 2</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>   | <p>30    <b>Ethics and Conflicts with Clients, Part 2</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p>                 |
|  | <p>19    <b>Equity &amp; Diversity in Law Practice: Best Practices for Law Firms</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.sbnm.org</p> |   |

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

**Opinion Number: 2022-NMCA-024**

No: A-1-CA-36501 (filed February 9, 2022)

STATE OF NEW MEXICO,,  
Plaintiff-Appellee,  
v.  
DOMINIQUE MILLER,  
Defendant-Appellant.

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

Matthew G. Reynolds, District Judge

Certiorari Denied, March 25, 2022, No. S-1-SC-39263.  
Released for Publication May 10, 2022.

Hector H. Balderas, Attorney General  
Benjamin Lammons, Assistant  
Attorney General  
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
William O'Connell, Assistant  
Appellate Defender  
Santa Fe, NM

for Appellant

## OPINION

**ATTREP, Judge.**

{1} Defendant Dominique Muller was convicted of fourth-degree criminal sexual penetration of a minor and second-degree criminal sexual penetration, perpetrated during the commission of the felony of giving alcohol to a minor. This case calls on us to clarify the mens rea for the offense of giving alcohol to a minor. The statute establishing that offense provides that a person violates the Liquor Control Act<sup>1</sup> by giving alcoholic beverages to a minor “if he knows or has reason to know that he is violating the provisions of this section[.]” NMSA 1978, § 60-7B-1(A) (2004, amended 2013).<sup>2</sup> Defendant takes issue with the jury instruction given at trial—an instruction that premised guilt on Defendant’s awareness of the victim’s status as a minor. Defendant contends that the “knows or has reason to know” provision of Section 60-7B-1(A) refers instead to

a defendant’s awareness that one’s conduct is prohibited by law. We reject Defendant’s reading of the statute and conclude instead that the “knows or has reason to know” provision of Section 60-7B-1(A) was correctly construed to premise guilt on Defendant’s awareness that the victim was a minor.

{2} We also address whether the introduction of certain evidence not objected to at trial was plain error. Defendant contends the evidence, as demonstrative of his character or his commission of uncharged misconduct, violated Rule 11-404 NMRA and meets the standard for reversal. We conclude the evidence’s introduction, even if error, does not rise to the level of plain error.

{3} There being no instructional or evidentiary error, we affirm Defendant’s convictions.

### BACKGROUND

{4} For several months in 2011, Defendant lived with his girlfriend and her fifteen-year-old daughter, M.V., in Torrance County. According to M.V., following Defendant’s advances, she and Defendant had sexual

intercourse on multiple occasions during those months. M.V.’s mother eventually learned of this, and, shortly after, the couple split and Defendant moved out of the home. {5} About four years later, the State charged Defendant with three counts of criminal sexual penetration of a minor in the fourth degree, contrary to NMSA 1978, Section 30-9-11(G)(1) (2009), and one count of criminal sexual penetration (CSP) in the second degree, contrary to Section 30-9-11(E)(5). The latter CSP offense was charged as a second-degree felony because the State alleged it was perpetrated during the commission of another felony—specifically, giving M.V. alcohol. See § 30-9-11(E)(5) (“Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated . . . in the commission of any other felony[.]”); § 60-7B-1(F) (deeming giving alcoholic beverages to a minor, contrary to Section 60-7B-1(A), a fourth-degree felony).

{6} The case went to trial in January 2017. M.V. recounted four incidents in which she and Defendant had sexual intercourse. In the first, M.V.’s mother was away from home, and Defendant gave M.V. hard liquor before penetrating her on the couch. Another incident occurred some days later, in the bedroom Defendant shared with M.V.’s mother. The third was in Defendant’s car, near a dog park in Albuquerque in Bernalillo County. And the fourth was on M.V.’s bed.

{7} The State began questioning M.V. about a fifth sexual encounter that supposedly also took place in the bedroom Defendant shared with M.V.’s mother. M.V. responded, “I know there was [such an incident], but I don’t remember.” When asked whether anything would help to refresh her memory, M.V. said no, “I try to forget all this.” The State then ended its questioning about the incident.

{8} After the close of the State’s evidence, the defense moved for a directed verdict on all four counts. The State clarified that the third incident, at the dog park, was not among the charges (presumably because it happened outside of Torrance County, where all the incidents alleged in the charging document occurred). The district court granted Defendant’s motion as to two of the counts—involving the fourth incident on M.V.’s bed and the fifth incident M.V. could not recall—because the testimony of the incidents “blurred” and was “not specific.”

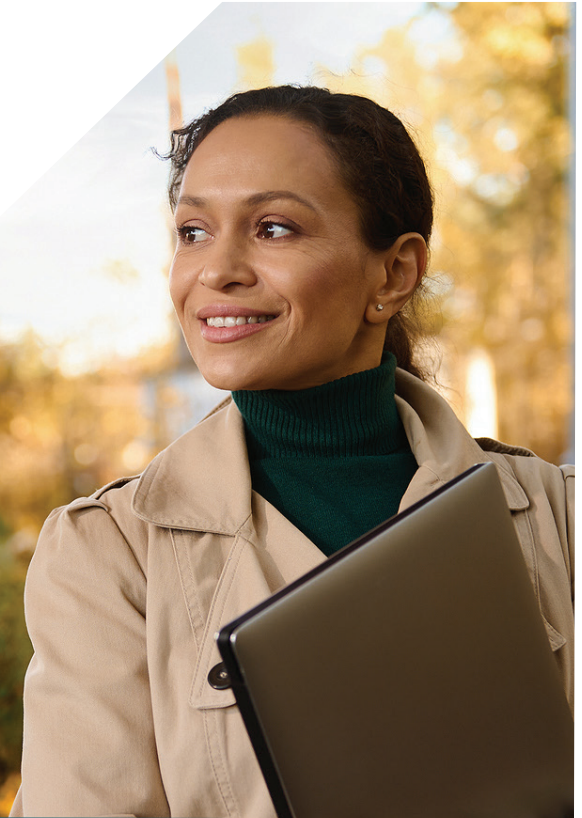
<sup>1</sup> NMSA 1978, Chapter 60, Articles 3A, 5A, 6A, 6B, 6C, 6E, 7A, 7B, and 8A (1981, as amended through 2021).

<sup>2</sup> The 2004 version of Section 60-7B-1 applies in this case because Defendant’s conduct occurred in 2011, before the statute was amended in 2013. See *State v. Figueroa*, 2020-NMCA-007, ¶ 8, 457 P.3d 983 (“[T]he law in effect at the time a criminal offense is committed is controlling[.]”). We observe, however, that the subsequent amendments to Section 60-7B-1 did not substantively affect the language of the provisions we construe in this opinion. Compare § 60-7B-1 (2004), with § 60-7B-1 (2013). All citations in this opinion to Section 60-7B-1 are to the 2004 version unless otherwise indicated.

# CLE PLANNER

Your Guide to  
Continuing Legal  
Education

October 26, 2022



## WELCOME BACK

The **Center for Legal Education** has welcomed back members for in-person programs.<sup>1</sup> CLE courses continue to be available in remote formats including webinar, teleseminar or on-demand. Refer to online sources for registration and more information.

All visitors to the State Bar Center are encouraged to read the latest COVID information on the CDC website and take actions to keep themselves and others comfortable and healthy as we continue to transition out of the pandemic.

<sup>1</sup> *Subject to current public health guidelines.*

## INSIDE THIS ISSUE

- ▶ CLE Programming
- ▶ Coming Soon
- ▶ Ethics Programming

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New Mexico State Bar Foundation  
Center for Legal Education

**OCTOBER 27***Webinar***Law Practice Management for New Lawyers**

1.0 G

2 - 3 p.m.

**NOVEMBER 2***In-Person or Webcast***2022 Business Law Institute**

5.0 G, 1.0 EP

9 a.m. - 4:30 p.m.

*Teleseminar***Ethics in Discovery Practice**

1.0 EP

11 a.m. - Noon

**NOVEMBER 3***In-Person or Webcast***2022 Indian Law Institute**

5.0 G, 1.0 EP

9 a.m. - 4:30 p.m.

**NOVEMBER 4***Webinar***2022 Real Property Institute**

2.0 G, 1.0 EP

8:45 a.m. - Noon

**NOVEMBER 9***In-Person or Webcast***Wait, My Parents Were Wrong? It's Not All About Me? (Stuart Teicher)**

3.0 EP

9 a.m. - 12:15 p.m.

*In-Person or Webcast***Learn by Doing: An Afternoon of Legal Writing Exercises (Stuart Teicher)**

3.0 G

1 - 4:15 p.m.

**NOVEMBER 10***Webinar***The Paperless Law Firm: A Digital Dream**

1.0 EP

11 a.m. - Noon

**NOVEMBER 17***Webinar***2022 Probate Institute**

6.25 G, 1.0 EP

8:30 a.m. - 5:15 p.m.

**NOVEMBER 18***In-Person or Webinar***2022 Animal Law Institute: Animals, Agriculture, and the Planet**

3.0 G, 1.0 EP

9 a.m. - 1:15 p.m.

*Teleseminar***Ethics and Changing Law Firm Affiliation**

1.0 EP

11 a.m. - Noon

**NOVEMBER 21***Webinar***Adobe Acrobat DC: The Basics for Lawyers and Legal Professionals****The Paperless Law Firm: A Digital Dream**

1.0 G

11 a.m. - Noon

**NOVEMBER 29***Teleseminar***Ethics for Business Lawyers**

1.0 EP

11 a.m. - Noon

**NOVEMBER 30***Webinar***Drug Testing and the Chain of Custody**

2.0 G

10 a.m. - Noon

*Teleseminar***Liquidation: Legal Issues When a Client Decides to Close a Business**

1.0 G

11 a.m. - Noon

*Webinar***Determining Competency and Capacity in Mediation**

2.0 G

2 - 4 p.m.

**DECEMBER 5***Webinar***Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204**

1.0 EP

Noon - 1 p.m.

*Teleseminar***Professionalism for the Ethical Lawyer**

1.0 EP

11 a.m. - Noon

ANNUAL

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refunds or roll-over of unused credits.



## DECEMBER 6

*Webinar*

"Let Me Ask You a Question. Suppose I Was Considering ...": A Mock Meeting of the Ethics Advisory Board

2.0 EP

10 a.m. - Noon

*Webinar*

Well That Seemed Like a Good Idea: Practical Best Practice Tips

1.0 EP

1 - 2 p.m.

## DECEMBER 7

*Teleseminar*

Rights of First Offer, First Refusal in Real Estate

1.0 G

11 a.m. - Noon

## DECEMBER 8

*Teleseminar*

Ethics of Beginning and Ending Client Relationships

1.0 EP

11 a.m. - Noon

## DECEMBER 9

*Teleseminar*

Selection and Preparation of Expert Witnesses in Litigation

1.G

11 a.m. - Noon

## DECEMBER 14

*In-Person or Webcast*

2022 Tax Law Institute

6.5 G, 1.0 EP

In-Person and Webcast

8 a.m. - 4:45 p.m.

*Teleseminar*

2022 Ethics Update, Part 1

1.0 EP

11 a.m. - Noon

## DECEMBER 15

*Teleseminar*

2022 Ethics Update, Part 2

1.0 EP

11 a.m. - Noon

## DECEMBER 19

*Teleseminar*

Equity & Diversity in Law Practice: Best Practices for Law Firms

1.0 EP

11 a.m. - Noon

## DECEMBER 22

*Teleseminar*

Ethics in Negotiations - Boasts, Shading, and Impropriety

1.0 EP

11 a.m. - Noon

## DECEMBER 27

*Teleseminar*

Ethics and Virtual Law Offices

1.0 EP

11 a.m. - Noon

## DECEMBER 28

*Teleseminar*

Lawyer Ethics of Email

1.0 EP

11 a.m. - Noon

## DECEMBER 29

*Teleseminar*

Ethics and Conflicts with Clients, Part 1

1.0 EP

11 a.m. - Noon

## DECEMBER 30

*Teleseminar*

Ethics and Conflicts with Clients, Part 2

1.0 EP

11 a.m. - Noon

**Coming  
Soon**

- ▶ December 1 **2022 Immigration Law Institute**
- ▶ December 2 **2022 Paralegal Institute**
- ▶ December 8 **2022 Women in Law Conference**
- ▶ December 9 **2022 Family Law Program**
- ▶ December 15 **2022 Trial Law Institute**
- ▶ December 16 **2022 NREEL Institute**

*Check our website for the latest updates!*

# Got Ethics?

Complete your 2.0 ethics/professionalism credits  
by the end of the year!

- ▶ November 2 **Ethics in Discovery Practice** (1.0 EP)
- ▶ November 9 **Wait, My Parents Were Wrong? It's Not All About Me?** (3.0 EP)
- ▶ November 11 **The Paperless Law Firm - A Digital Dream** (1.0 EP)
- ▶ November 17 **Diversity, Equity & Inclusion in Law Practice** (1.0 EP)
- ▶ November 18 **Ethics and Changing Law Firm Affiliation** (1.0 EP)
- ▶ November 23 **Ethics of Identifying Your Client: It's Not Always Easy** (1.0 EP)
- ▶ November 29 **Ethics for Business Lawyers** (1.0 EP)
- ▶ December 5 **Basics of Trust Accounting** (1.0 EP)
- ▶ December 5 **Professionalism for the Ethical Lawyer** (1.0 EP)
- ▶ December 6 **Well That Seemed Like a Good Idea: Practical Best Practice Tips** (1.0 EP)
- ▶ December 6 **Let Me Ask a Question: Mock Meeting of the Ethics Advisory Board** (2.0 EP)
- ▶ December 8 **Ethics of Beginning and Ending Client Relationships** (1.0 EP)
- ▶ December 14 **2022 Ethics Update, Part 1** (1.0 EP)
- ▶ December 15 **2022 Ethics Update, Part 2** (1.0 EP)
- ▶ December 19 **Equity & Diversity in Law Practice: Best Practices for Law Firms** (1.0 EP)
- ▶ December 22 **Ethics in Negotiations - Boasts, Shading, and Impropriety** (1.0 EP)
- ▶ December 27 **Ethics and Virtual Law Offices** (1.0 EP)
- ▶ December 28 **Lawyer Ethics of Email** (1.0 EP)
- ▶ December 29 **Ethics and Conflicts with Clients, Part 1** (1.0 EP)
- ▶ December 30 **Ethics and Conflicts with Clients, Part 2** (1.0 EP)



## CLE Registration

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The district court denied the motion as to the other two counts—involving the drinking incident and the second incident that occurred in the bedroom Defendant shared with M.V.'s mother. The jury returned a guilty verdict on each of those counts.

### DISCUSSION

{9} In challenging his convictions, Defendant raises two issues not brought to the district court's attention: (1) that the jury instruction on giving alcohol to a minor, the felony underlying his second-degree CSP conviction, was defective; and (2) that testimony about his character and uncharged conduct was admitted in violation of Rule 11-404(B). Neither claim leads us to conclude that reversal is warranted.

#### I. ALCOHOL-TO-A-MINOR JURY INSTRUCTION

{10} Defendant alleges the alcohol-to-a-minor jury instruction was defective because it omitted what he contends was the mens rea of the offense—i.e., that he knew giving alcohol to a minor was unlawful. Before addressing Defendant's contention, we first set forth the applicable standard of review and then lay out the relevant statutory text and the instruction given at trial.

##### A. Standard of Review

{11} Because Defendant did not object to the alcohol-to-a-minor jury instruction, we review this claim only for fundamental error. See Rule 5-608(D) NMRA (establishing that a claim of instructional error is preserved by objecting to the instruction before it is given); *State v. Sena*, 2020-NMSC-011, ¶ 34, 470 P.3d 227 (reviewing an unpreserved jury instruction argument for fundamental error). “The doctrine of fundamental error applies only under exceptional circumstances and only to prevent a miscarriage of justice.” *Sena*, 2020-NMSC-011, ¶ 34 (internal quotation marks and citation omitted). We employ a two-part test when reviewing jury instructions for fundamental error. First, “we seek to determine whether a reasonable juror would have been confused or misdirected by the jury instruction.” *State v. Benally*, 2001-NMSC-033, ¶ 12, 131 N.M. 258, 34 P.3d 1134 (internal quotation marks and citation omitted). “[J]uror confusion or misdirection may stem . . . from instructions which, through omission or misstatement, fail to provide the juror with an accurate rendition of the relevant law.” *Id.* If this first inquiry reveals error, we move to the second part of the test “to determine whether the [d]efendant's conviction was the result of a plain miscarriage of justice.” *State v. Barber*, 2004-NMSC-019, ¶ 19, 135 N.M. 621, 92 P.3d 633 (internal quotation marks and citation omitted).

{12} The first step thus requires us to determine whether the instruction given accurately sets forth the law. *State v. Laney*, 2003-NMCA-144, ¶ 39, 134 N.M. 648, 81 P.3d 591. Because there is no

uniform jury instruction associated with the alcohol-to-minors statute, Section 60-7B-1, “the district court was required to give an instruction that substantially follows [the statute's] language[.]” *State v. Luna*, 2018-NMCA-025, ¶ 21, 458 P.3d 457 (alteration, internal quotation marks, and citation omitted); see also Rule 5-608(A) (requiring the court to “instruct the jury upon all questions of law essential for a conviction of [the] crime”). Given the conflict between the district court's reading of Section 60-7B-1 and how Defendant now contends it should have been read, construing that section is necessary to resolve this matter. Our review is therefore de novo. See *State v. Farish*, 2021-NMSC-030, ¶ 11, 499 P.3d 622.

{13} In construing a statute, we must ascertain and give effect to the intent of the Legislature. See *id.* To accomplish this, “[w]e first look to the plain meaning of the statutory language.” *Id.* Where the statute is ambiguous, or “reasonably subject to multiple interpretations,” we “proceed with further statutory analysis.” *State v. Almanzar*, 2014-NMSC-001, ¶ 15, 316 P.3d 183. In doing so, we bear in mind that “any law is passed against the background of all the law in effect at the time[.]” including the common law, and that, “[i]f no aspect of the background of law is clearly abrogated, it is presumed to be consistent with, if not incorporated into, new legislation.” *Sims v. Sims*, 1996-NMSC-078, ¶ 24, 122 N.M. 618, 930 P.2d 153. To ascertain legislative intent in the face of an ambiguous statute, we also may consider “the history, background, and overall structure of the statute, as well as its function within a comprehensive legislative scheme.” *Almanzar*, 2014-NMSC-001, ¶ 15 (internal quotation marks and citation omitted). We “read [the statute] as a whole, construing each section or part in connection with every other part or section so as to produce a harmonious whole[.]” *State v. Baca*, 2005-NMCA-001, ¶ 9, 136 N.M. 667, 104 P.3d 533 (internal quotation marks and citation omitted), read statutes in pari materia together to ascertain legislative intent, *State v. Ogden*, 1994-NMSC-029, ¶ 28, 118 N.M. 234, 880 P.2d 845, and construe the statute “so that no part of [it] is rendered surplusage or superfluous[.]” *State v. Javier M.*, 2001-NMSC-030, ¶ 32, 131 N.M. 1, 33 P.3d 1 (internal quotation marks and citation omitted). Lastly, when engaging in this analysis to ascertain legislative intent, “[w]e are distrustful of any formulaic approach”; rather, we “simply must select the rationale that most likely accomplishes the legislative purpose[.]” *State v. Anaya*, 1997-NMSC-010, ¶ 29, 123 N.M. 14, 933 P.2d 223.

##### B. The Governing Statute and the Jury Instruction Used

{14} As stated, the “other felony” the State relied on to support Defendant's second-degree CSP, Section 30-9-11(E)

(5), charge was Section 60-7B-1(A), titled, “Selling or giving alcoholic beverages to minors; possession of alcoholic beverages by minors.” See § 60-7B-1(F). As relevant to this case, Section 60-7B-1 provides:

A. It is a violation of the Liquor Control Act for a person, including a person licensed pursuant to the provisions of the Liquor Control Act, or an employee, agent or lessee of that person, if he knows or has reason to know that he is violating the provisions of this section, to:

- (1) sell, serve or give alcoholic beverages to a minor or permit a minor to consume alcoholic beverages on the licensed premises;
- (2) buy alcoholic beverages for or procure the sale or service of alcoholic beverages to a minor;
- (3) deliver alcoholic beverages to a minor; or
- (4) aid or assist a minor to buy, procure or be served with alcoholic beverages.

Section 60-7B-1 goes on to exempt certain conduct from criminalization and to criminalize certain other conduct:

B. It is not a violation of the Liquor Control Act, as provided in Subsection A or C of this section, when:

- (1) a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse; or
- (2) alcoholic beverages are used in the practice of religious beliefs.

C. It is a violation of the Liquor Control Act for a minor to buy, attempt to buy, receive, possess or permit himself to be served with alcoholic beverages.

D. When a person other than a minor procures another person to sell, serve or deliver alcoholic beverages to a minor by actual or constructive misrepresentation of facts or concealment of facts calculated to cause the person selling, serving or delivering the alcoholic beverages to the minor to believe that the minor is legally entitled to be sold, served or delivered alcoholic beverages and actually deceives that person by that misrepresentation or concealment, then the procurer and not the person deceived shall have violated the provisions of the Liquor Control Act.

{15} Apparently having interpreted “knows or has reason to know that he is violating the provisions of this section” (the “knowledge provision”) as referring to Defendant’s knowledge of M.V.’s minor status, the district court instructed the jury, in relevant part, as follows.

2a. Giving alcoholic beverages to a minor consists of:

1.) Defendant gave an alcoholic beverage to [M.V.];[.]

2.) [M.V.] was a minor under 21 years of age[.]

3.) Defendant knew [M.V.] was a minor[.]

{16} The district court also gave the jury the general criminal intent instruction:

In addition to the other elements of [CSP], the [S]tate must prove to your satisfaction beyond a reasonable doubt that [D]efendant acted intentionally when he committed the crime. A person acts intentionally when he purposely does an act which the law declares to be a crime, even though he may not know that his act is unlawful. Whether [D]efendant acted intentionally may be inferred from all of the surrounding circumstances, such as the manner in which he acts, the means used, his conduct and any statements made by him.

See UJI 14-141 NMRA.

### C. Mens Rea for Section 60-7B-1(A)

{17} Defendant contends guilt under Section 60-7B-1(A) must be premised on a finding that, when he gave alcohol to M.V., he knew he was violating the statute—that is, he did so with knowledge of the illegality of his conduct. Defendant argues the district court’s error in failing to so instruct the jury was compounded by giving the general intent instruction, which explicitly provides a defendant need not know the illegality of his conduct in order to be convicted. The State, for its part, seems to concede that Defendant’s

reading of Section 60-7B-1(A) is correct, or equivocates on the point, and in any case does not argue that the district court correctly instructed the jury on the mens rea for giving alcohol to a minor.

{18} We, however, are not bound by the State’s concession; rather, we are duty-bound to independently ascertain the legislatively intended meaning of the statute at issue in this case. See, e.g., *State v. Comitiz*, 2019-NMSC-011, ¶ 25, 443 P.3d 1130 (observing that an appellate court is not bound by the state’s concession and should independently assess a defendant’s claims). Ultimately, based on the considerations discussed below, we reject Defendant’s contention, because we conclude the Legislature intended “knows or has reason to know” to refer to the alcohol recipient’s status as a minor, as conveyed by the instruction given, not to refer to the illegality of one’s conduct.

### 1. Plain Meaning of Section 60-7B-1(A)’s Knowledge Provision

{19} We begin our analysis with the language of the statute. Section 60-7B-1(A) provides, “It is a violation of the Liquor Control Act for a person . . . , if he knows or has reason to know that he is violating the provisions of this section, to” do any of the four prohibited acts listed. Unlike Defendant, we do not view Section 60-7B-1(A) as having one plain meaning. Instead, the knowledge provision in Section 60-7B-1(A) is ambiguous, in that “it can be understood by reasonably well-informed persons in two or more different senses.” *State v. Elmquist*, 1992-NMCA-119, ¶ 5, 114 N.M. 551, 844 P.2d 131.

{20} The first sense is that which Defendant advances—where “know or has reason to know” modifies “violating” so that the knowledge provision imposes liability only when one violates the section with knowledge that he is violating it. The second is that which the district

court adopted—where the knowledge provision refers to each of the elements described in Subsection (A) so that the knowledge provision imposes liability only when one knows or has reason to know of the facts constituting the proscribed conduct. For example, if one is alleged to have violated Section 60-7B-1(A) (1)—by giving an alcoholic beverage to a minor, as in this case—the person would be guilty of the offense if, in relevant part, the person “knew or had reason to know” the recipient was a minor.<sup>3</sup> In this sense, the statutory phrase “violating the provisions of this section” functions as “a shorthand designation for specific acts . . . which violate the [statute].” *United States v. Int’l Mins. & Chem. Corp.*, 402 U.S. 558, 562 (1971), cited with approval in *State v. Montoya*, 1977-NMCA-134, ¶ 14, 91 N.M. 262, 572 P.2d 1270; cf. *id.* at 559-60 (deeming a reasonable construction of the statutory phrase “knowingly violates any . . . regulation [for the safe transportation of corrosive liquids]” as the awareness that one is transporting corrosive liquids).<sup>4</sup> Thus, by inserting “knows or has reason to know that he is violating the provisions of this section” before the list of the four proscribed acts in Section 60-7B-1(A), the Legislature accomplished the task of requiring a “know or has reason to know” mens rea for each element, without repetitive and potentially confusing drafting.<sup>5</sup> See *Int’l Mins. & Chem. Corp.*, 402 U.S. at 562; *United States v. Wilson*, 133 F.3d 251, 261 (4th Cir. 1997) (construing similar mens rea provision as a shorthand drafting method); *United States v. Weitzenhoff*, 35 F.3d 1275, 1285 n.6 (9th Cir. 1993) (same); *State v. Rowland*, 933 A.2d 21, 23-24 (N.J. Super. Ct. App. Div. 2007) (construing “knowingly violates any of the provisions of this act” as premising guilt on knowledge of the proscribed conduct and not knowledge of the conduct’s unlawfulness).

<sup>3</sup> Guilt also would be premised on the person’s knowledge that the thing given the minor was an alcoholic beverage. We do not consider this element in this case because Defendant makes no argument that the jury instructions were deficient as to this element, nor is there any suggestion in the evidence that he was unaware that what he gave M.V. was hard liquor. See *State ex rel. Hum. Servs. Dep’t v. Staples (In re Doe)*, 1982-NMSC-099, ¶¶ 3-5, 98 N.M. 540, 650 P.2d 824 (declining to consider a constitutional argument because it was not raised by the appellants); *State v. Ocon*, 2021-NMCA-032, ¶ 12, 493 P.3d 448 (“[A]n appellate court may affirm a conviction notwithstanding the absence of an implicit jury finding on an omitted element if the jury . . . undoubtedly would have found the essential element if properly instructed.”), cert. denied, 2021-NMCERT-\_\_\_ (No. S-1-SC-38810, June 30, 2021).

<sup>4</sup> As far as we are aware, the precise statutory phrase at issue in this case—“knows or has reason to know that he is violating the provisions of this section”—has never been construed in New Mexico. There are New Mexico cases that have construed phrases similar to the knowledge provision to mean that one must have knowledge of the facts constituting the proscribed conduct. See *Territory v. Cortez*, 1909-NMSC-010, ¶ 5, 15 N.M. 92, 103 P. 264 (quoting out-of-state case construing statutory language, “who knowingly violates any of the provisions of the act,” as requiring “knowledge of the facts essential to the crime” (quoting *Davis v. State*, 68 Ala. 58, 65 (1880))); *State v. Wilson*, 2010-NMCA-018, ¶¶ 6, 12, 147 N.M. 706, 228 P.3d 490 (construing statutory provision, “[a] person who knowingly violates Subsection (B) of this section within a drug-free school zone,” as requiring “specific knowledge that the offense will occur within the drug-free school zone” (alteration, internal quotation marks, and citation omitted)). These cases, however, do not grapple with the precise question presented to us today—i.e., whether a provision like that in Section 60-7B-1(A) means one must be aware of the illegality of one’s conduct or instead means one must simply be aware of the facts constituting the proscribed conduct. As cited herein, other courts, including the United States Supreme Court, have grappled with such questions and concluded that similar provisions do not require proof that one know the illegality of one’s conduct; we find these courts’ resolution of this issue persuasive.

{21} Notably, although the issue was not squarely before us, this Court has implicitly endorsed the second construction. See *ERICA, Inc. v. N.M. Regul. & Licensing Dep't*, 2008-NMCA-065, ¶ 2, 144 N.M. 132, 184 P.3d 444 (“Section 60-7B-1 . . . requires that the seller of . . . alcohol ‘knows or has reason to know’ that the purchaser is a minor.”); *State v. Aragon*, No. A-1-CA-37809, mem. op. ¶ 3 (N.M. Ct. App. Feb. 19, 2020) (non-precedential) (considering “the scienter element for giving alcohol to a minor” established where the “[t]he defendant ‘knew or had reason to know’ [the person he gave alcohol to] was underage”). At a minimum, these cases underscore that the language of Section 60-7B-1(A) is ambiguous: it is capable of being reasonably understood to refer to a defendant’s knowledge of the facts constituting the proscribed conduct, rather than a defendant’s knowledge of the illegality of that conduct.<sup>6</sup>

{22} Since Section 60-7B-1 is arguably subject to two interpretations, we “proceed with further statutory analysis,” see *Almanzar*, 2014-NMSC-001, ¶ 15, examining the common law, Section 60-7B-1 and the Liquor Control Act as a whole, as well as the purpose of Section 60-7B-1, to ascertain which reading most likely effectuates the Legislature’s intent. See *Anaya*, 1997-NMSC-010, ¶ 29. Finally, we address Defendant’s argument based on the history of the Liquor Control Act.

## 2. The Common Law Principle That Ignorance of the Law Is No Defense

{23} We turn now to the common law to discern the more likely meaning of Section 60-7B-1(A). Although Defendant acknowledges “the general rule is that ignorance of the law is not a defense[,]” he contends that “knowledge of the law is precisely what the Legislature requires in this particular statute.”

We do not agree that the common law was abrogated by Section 60-7B-1(A), as Defendant suggests. We explain.

{24} As a general matter, “[a] statute will be interpreted as supplanting the common law only if there is an explicit indication that the [L]egislature so intended.” *Sims*, 1996-NMSC-078, ¶ 22. Our Supreme Court explained the rationale behind this rule of statutory construction.

In relying upon the common law to resolve statutory omissions and ambiguities, we presume the [L]egislature was well informed about the existing common law before the statute was enacted and did not intend to enact a statute that conflicted with the common law. This rule of construction is a recognition that any law is passed against the background of all the law in effect at the time. If no aspect of the background of law is clearly abrogated, it is presumed to be consistent with, if not incorporated into, new legislation.

*Id.* ¶ 24 (citation omitted); see also *Beals v. Ares*, 1919-NMSC-067, ¶¶ 30-34, 25 N.M. 459, 185 P. 780 (recognizing the adoption of the common law in New Mexico and its prevailing effect); cf. *Santillanes v. State*, 1993-NMSC-012, ¶ 11, 115 N.M. 215, 849 P.2d 358 (providing that the court-applied presumption that criminal intent is an essential element of each crime—unless it is clear from the statute that the Legislature intended to omit the mens rea element—is a rule of statutory construction in light of what the common law requires).

{25} A deeply rooted common law principle in the American legal system is that “ignorance of the law or a mistake of law is no defense to criminal prosecution[.]” *Cheek v. United States*, 498 U.S. 192, 199

(1991) (citing sources from the 1800s and 1900s); accord, e.g., *State v. Carr*, 1981-NMCA-029, ¶ 24, 95 N.M. 755, 626 P.2d 292 (“Particularly in an area such as this, where potentially harmful substances [(narcotics)] are being regulated, the general rule of law applies: ignorance of the law is not a defense.”), overruled on other grounds by *State v. Olguin*, 1994-NMCA-050, ¶ 36, 118 N.M. 91, 879 P.2d 92; *Montoya*, 1977-NMCA-134, ¶ 14 (“Th[e] general rule is that ignorance of the law is not a defense.”); 1 Wayne R. LaFare, *Substantive Criminal Law* § 5.6(d) (3d ed. 2021) (noting that lack of awareness that one’s criminal conduct is proscribed by the law is “ordinarily not a recognized defense”). Thus, we will construe Section 60-7B-1(A) as upholding this well-established common law principle, absent “an explicit indication” the Legislature intended to supplant the rule. See *Sims*, 1996-NMSC-078, ¶ 22.

{26} We see no such explicit indication here. Elsewhere in the Liquor Control Act, when the Legislature saw fit to provide a defense to criminal prosecution under Section 60-7B-1(A), it did so directly. For instance, Section 60-7B-1(B) exempts from liability a parent, legal guardian, or adult spouse of a minor serving alcoholic beverages to that minor in certain circumstances and exempts the use of alcoholic beverages in the practice of religious beliefs. Additionally, NMSA 1978, Section 60-7B-6 (1985, amended 2021) establishes an affirmative defense in a criminal prosecution of a licensee accused of furnishing alcohol to a minor if the licensee in good faith demanded and was shown an identity card as proof of age. Thus, had the Legislature actually intended to make one’s ignorance of the law a defense to a Section 60-7B-1(A)-based charge, it could have made that intention clear by, for instance, adopting a defense to that effect in a separate measure, as it did in Section 60-7B-1(B) and Section 60-7B-6 (1985).

<sup>5</sup> The only other use in the Liquor Control Act of the phrase “know or has reason to know” lends support to the idea that the knowledge provision in Section 60-7B-1(A) is in fact meant to be a shorthand, legislative drafting tool. NMSA 1978, § 60-7A-16 (1993, amended 2021) prohibits the sale of alcohol to intoxicated persons and provides that “[i]t is a violation of the Liquor Control Act for a person to sell or serve alcoholic beverages to . . . an intoxicated person if the person selling [or] serving . . . knows or has reason to know that he is selling [or] serving . . . alcoholic beverages [to] a person that is intoxicated.” (Emphasis added.) Thus, where only one act is prohibited, as is the case in Section 60-7A-16 (1993), the Legislature simply used the “knows or has reason to know” phrase to directly modify that one act. The object of “knows or has reason to know,” as expressed in Section 60-7A-16 (1993), is clearly the alcohol recipient’s status as an intoxicated person. In contrast, where four separate acts are prohibited, as is the case in Section 60-7B-1(A), the Legislature attached the same mens rea requirement as in Section 60-7A-16 (1993), without redundant and potentially confusing drafting, by using the “knows or has reason to know” phrase to modify “violating the provisions of this section.”

<sup>6</sup> Upon further consideration of the text in Section 60-7B-1(A), Defendant’s reading appears dubious. In arguing for this reading, Defendant contends “actual knowledge” that one is violating the law is required, seemingly ignoring the “or has reason to know” clause in Section 60-7B-1(A). But in giving effect to the Legislature’s word, as we must, a nullity arises. See *Pirtle v. Legis. Council Comm. of N.M. Legislature*, 2021-NMSC-026, ¶ 19, 492 P.3d 586 (providing that courts must “give effect to all provisions of a statute so as to render no part inoperative or surplusage”). Under Defendant’s reading, the “has reason to know” phrase would refer to constructive awareness that one’s conduct violates the law and the question then becomes: Under what circumstance could a person lack such knowledge? The answer appears to be none, given the general principle that “[e]very person is presumed to know the law.” *State v. Tower*, 2002-NMCA-109, ¶ 9, 133 N.M. 32, 559 P.3d 1264, overruled on other grounds by *State v. Archuleta*, 2015-NMCA-037, ¶ 1, 346 P.3d 390. Under Defendant’s reading, then, the “has reason to know” phrase would play no real role in defining the offense or determining guilt. See *Baca*, 2005-NMCA-001, ¶ 18 (“A reviewing court does not construe one provision of a statute in a manner that would make other provisions null or superfluous.” (internal quotation marks and citation omitted)).

{27} Given there are two plausible interpretations of Section 60-7B-1(A)'s knowledge provision—one that would abrogate the deeply rooted common law principle that ignorance of the law is no defense and one that would not—we find the precision necessary to override such long and well-established common law principles lacking.<sup>7</sup> See *Sims*, 1996-NMSC-078, ¶ 22; see also *Int'l Mins. & Chem. Corp.*, 402 U.S. at 562 (viewing statutory provision “knowingly violates any such regulation” as a “shorthand designation” for the specific acts or omissions that violate the regulations and noting, when so viewed, that the statute “does not signal an exception to the rule that ignorance of the law is no excuse”); *Wilson*, 133 F.3d at 262 (“In light of these background rules of common law, we may conclude that mens rea requires not that a defendant know that his conduct was illegal, but only that he know the facts that make his conduct illegal, unless Congress clearly specifies otherwise.” (internal quotation marks and citation omitted)).

### 3. Other Provisions in Section 60-7B-1

{28} Other provisions in Section 60-7B-1 likewise help us to ascertain the more likely meaning of Subsection (A). Of relevance to our consideration, Subsection (C) describes the same circumstances contemplated in Subsection (A) (the transfer of alcohol from an adult to a minor), but applies instead to the minor. See § 60-7B-1(C). Yet Subsection (C) includes no knowledge provision like that in Subsection (A). See *id.* Under the second reading, in which the knowledge provision merely requires that one know or have reason to know of the facts constituting the proscribed conduct, the absence makes sense: it can reasonably be presumed that every minor knows his or her age. In contrast, under Defendant's reading, there would be no apparent reason for the distinction; we would be left to wonder why, where an adult transfers alcohol to a minor—and where both are ignorant of the law—the Legislature saw fit to vindicate the adult but not the minor. See, e.g., *Farish*, 2021-NMSC-030, ¶ 11 (noting that, in construing a statutory provision, we (1) consider it in relation to the statute as a whole and (2) avoid construing it in a way that would lead to “injustice, absurdity or contradiction” (internal quotation marks and citation omitted)); *State v. Smith*, 2004-NMSC-032, ¶ 10, 136 N.M. 372, 98 P.3d 1022 (“A statutory subsection may not be considered in a vacuum, but must be considered in reference to the statute as a whole and in reference to statutes dealing with the same general subject matter” (alteration, internal quotation marks, and citation omitted)).

{29} Subsection (D) of Section 60-7B-1 similarly supports the second reading. That subsection describes the circumstances contemplated in Subsection (A), but additionally contemplates that the transferor of alcohol is deceived by a third person into believing the alcohol recipient is of drinking age. See § 60-7B-1(D). It relieves the transferor, who essentially has no actual or constructive knowledge of the alcohol recipient's minor status, from liability. In so doing, it harmonizes with the second reading of Subsection (A) by negating the “knows or has reason to know” element of the offense. See *Farish*, 2021-NMSC-030, ¶ 11; *Smith*, 2004-NMSC-032, ¶ 10.

### 4. The Liquor Control Act as a Whole

{30} Next, we consider the Liquor Control Act as a whole, and, in particular, the broad criminalization of conduct in the Act, to determine the more likely meaning of Section 60-7B-1(A). The Act explicitly deems certain categories of conduct to be “a violation of the Liquor Control Act,” as is the case in Section 60-7B-1(A). See also, e.g., § 60-7A-17; § 60-7A-22; § 60-7B-13. Additionally, the Liquor Control Act has a catchall provision that criminalizes the violation of any provision of the Liquor Control Act, as well as any rule or regulation. See § 60-7A-25(A) (“A person who violates any provision of the Liquor Control Act or any rule or regulation promulgated by the department that is not declared by the Liquor Control Act to be a felony is guilty of a misdemeanor[.]”). Given the Liquor Control Act spans nine articles within Chapter 60 of the New Mexico statutes, Section 60-7A-25 has the effect of criminalizing countless types of conduct. See Chapter 60, Articles 3A, 5A, 6A, 6B, 6C, 6E, 7A, 7B, and 8A. In contrast, since the knowledge provision is found only in Section 60-7B-1(A), the mistake of law defense, inherent in Defendant's reading, is limited to Section 60-7B-1(A) alone.

{31} Thus, under Defendant's reading, the Legislature, for reasons not explained by Defendant, saw fit to provide a mistake of law defense to those persons who are charged with violating Section 60-7B-1(A) alone and declined such a defense for every other offense in the Liquor Control Act. Considering Section 60-7B-1(A)'s function within the greater statutory scheme to criminalize just one type of conduct out of many, we can think of no plausible reason why the Legislature would choose to treat this offense in such a remarkable fashion. See *Farish*, 2021-NMSC-030, ¶ 11; *Almanzar*, 2014-NMSC-001, ¶ 15 (“When interpreting

a statute, we are also informed by the . . . overall structure of the statute, as well as its function within a comprehensive legislative scheme.” (internal quotation marks and citation omitted)).

### 5. Section 60-7B-1(A)'s Purpose

{32} Finally, as part of our statutory construction analysis, we consider the legislative purpose behind Section 60-7B-1. Generally speaking, the statute criminalizes furnishing alcohol to a minor and, in the case of a minor, receiving alcohol. See § 60-7B-1(A), (F) (penalizing the sale, service, and giving of alcohol to a minor as well as aiding a minor in being sold, procured, or served alcohol); § 60-7B-1(C), (G) (penalizing the actual or attempted purchase, the receipt, and the possession of alcohol by a minor). By criminalizing this conduct, the Legislature plainly disfavors underage drinking. See *Trujillo v. Trujillo*, 1986-NMCA-052, ¶ 11, 104 N.M. 379, 721 P.2d 1310 (recognizing that Section 60-7B-1 was “designed for the protection of minors as well as for the protection of members of the public”); *Walker v. Key*, 1984-NMCA-067, ¶ 22, 101 N.M. 631, 686 P.2d 973 (observing that, since “[y]outh and inexperience make misuse of alcohol especially likely,” the predecessor to Section 60-7B-1 “reflects a legislative finding that people under the age of twenty-one are not ready to handle the consumption of liquor”).

{33} The second reading would further that legislative aim. Under that reading, criminal liability would extend to those who enable such drinking, despite their lack of awareness that their conduct is against the law. In contrast, under Defendant's reading, a person's ignorance of Section 60-7B-1's import would shield the person from liability. Thus, Defendant's reading would have the seemingly perverse effect of rewarding ignorance of the law and enabling legislatively disfavored behavior. Both outcomes cast doubt on the plausibility of Defendant's reading. See, e.g., *Ogden*, 1994-NMSC-029, ¶ 27 (“[T]he language of penal statutes should be given a reasonable or common sense construction consonant with the objects of the legislation, and the evils sought to be overcome should be given special attention.”); *State v. Herrera*, 1974-NMSC-037, ¶ 6, 86 N.M. 224, 522 P.2d 76 (“We will not construe statutes . . . to defeat the intended object of the [L]egislature.”).

### 6. Defendant's Argument Regarding Legislative History

{34} Finally, we examine Defendant's sole argument—beyond plain meaning—in support of his contention that Section 60-7B-1(A)'s knowledge provision required the State to prove that, when he gave alcohol to M.V., he knew he was violating the law.

<sup>7</sup> We observe that Defendant has failed to direct us to any statute in New Mexico where the Legislature has abrogated this long-standing common law principle, and we are aware of none.

As best we can tell, Defendant contends that certain legislative history makes clear that the Legislature intended the knowledge provision to mean that a person must know he is violating Section 60-7B-1(A) before being convicted under it. We do not agree.

{35} In support, Defendant relies on the following history. The Legislature included the knowledge provision in Section 60-7B-1(A) for the first time in 1993. *Compare* § 60-7B-1(A) (1981), *with* § 60-7B-1(A) (1993). Also in the 1993 amendment, the Legislature limited the reach of Section 60-7B-1(A) to only those directly regulated by the Liquor Control Act—i.e., licensees and their employees, agents, or lessees—and excluded the general public. *Compare* § 60-7B-1(A) (1981), *with* § 60-7B-1(A) (1993). According to Defendant, the 1993 version of Section 60-7B-1(A) thus created a “boutique” crime, targeting [only] trained personnel engaged in the liquor trade.” Also in 1993, the Legislature promulgated the Alcohol Server Education Act, NMSA 1978, §§ 60-6D-1 to -8 (1993, repealed 1999),<sup>8</sup> one purpose of which was to educate servers about state liquor laws. *See* § 60-6D-2(B)(2), (4); *see also* § 60-6D-4 (requiring proof that each server employed by a licensee or lessee completed alcohol server programs during the prior licensing year). Then, in 1998, when “untrained civilians” not availed of such training became subject to the prohibition against giving alcohol to minors, *see* § 60-7B-1(A) (1998), Defendant contends, it was reasonable for the Legislature to retain a mistake of law defense, but Defendant fails to explain this point.

{36} From this history, Defendant asserts it is evident that Section 60-7B-1(A)’s knowledge provision requires knowledge of the law because the provision was inserted at the same time the Alcohol Server Education Act was enacted. According to Defendant, the enactment of the Alcohol Server Education Act “ensured that persons engaged in the liquor trade . . . would possess the scienter necessary to commit a violation of Section 60-7B-1 should they give alcohol to a minor.” In other words, by virtue

of the mere existence of the Alcohol Server Education Act, *every* person covered by the 1993 version of Section 60-7B-1(A) *would necessarily* “know or have reason to know” that serving alcohol to a minor was against the law. But this circular logic begs the question: If the simple existence of the Alcohol Server Education Act meant that every person covered by Section 60-7B-1(A) would “know or have reason to know” of the law, then what logical reason would the Legislature have for requiring persons to know of that law before being convicted of it? Defendant does not say and we can think of none.

{37} In short, we reject Defendant’s argument because accepting it would lead to an absurdity, *see Farish*, 2021-NMSC-030, ¶ 11, and render Defendant’s construction of the knowledge provision surplusage, *see Javier M.*, 2001-NMSC-030, ¶ 32.

#### D. There Was No Instructional Error

{38} All considered, we cannot conclude the Legislature intended that a defendant know or have reason to know of the illegality of his or her conduct when it adopted the knowledge provision in Section 60-7B-1(A). Instead, the construction of Section 60-7B-1(A) in which “knows or has reason to know” concerns the alcohol recipient’s minor status represents the legislative intent. *See Anaya*, 1997-NMSC-010, ¶ 29 (“[We] simply must select the rationale that most likely accomplishes the legislative purpose[.]”); *see also Farish*, 2021-NMSC-030, ¶ 11 (“[O]ur guiding principle [in construing a statute] is that we should determine and effectuate the Legislature’s intent when it enacted the statute.” (internal quotation marks and citation omitted)). We thus conclude that, with the adoption of Section 60-7B-1(A)’s knowledge provision, the Legislature intended a defendant to have knowledge of the facts constituting the offense—as relevant here, the alcohol recipient’s status as a minor. Accordingly, the jury instruction used in this case, which included that Defendant knew M.V. was a minor, correctly identified the mental state of the offense of giving alcohol to a minor. In sum, there was no instructional error,<sup>9</sup> let alone that which could be considered fundamental.

## II. OTHER ACTS EVIDENCE

{39} The second issue in this appeal concerns trial testimony that Defendant contends was admitted in violation of Rule 11-404. Defendant seeks reversal of his convictions on this basis, notwithstanding his failure to object to the admission of this evidence at trial. We affirm because Defendant fails to consider the alleged errors in the context of the entire trial and thus fails to establish prejudice.

{40} As relevant here, the rule provides that “[e]vidence of a crime, wrong, or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Rule 11-404(B) (1). Defendant challenges two categories of evidence. The first consists of testimony given by M.V.’s classmate and M.V.’s mother. M.V.’s classmate testified that one time, when Defendant was picking M.V. up from school, Defendant looked at M.V.’s buttocks with “a lustful look,” and “a look of a conquest”—and that seeing this gave her the impression “something was going on.” M.V.’s mother similarly testified about the way Defendant looked at M.V. She testified that she and Defendant got into fights over what she described as Defendant looking at M.V. like “a partner, a relationship partner.” M.V.’s mother contrasted how Defendant looked at M.V. with how her current husband did, saying that Defendant’s gaze gave her “weird vibes.” She also recalled an incident in which Defendant looked at M.V. “very intently” when M.V. was dancing in a way that was “maybe a little too provocative.” Regarding the testimony of M.V.’s classmate and mother, Defendant argues that it “served no purpose other than to implicate [his] bad character, and to impute to him a lascivious disposition.”

{41} The second category of evidence Defendant challenges concerns M.V.’s testimony about the dog-park incident—an act for which he apparently was not charged because it occurred in Bernalillo County and not Torrance County. Defendant argues that, in violation of Rule 11-404(B), evidence of the dog-park incident could only have been used to prove his character to show that he acted in accordance with that character on the occasions of the charged incidents.

<sup>8</sup> The Alcohol Server Education Act has since been repealed and replaced with the Alcohol Server Education Article of the Liquor Control Act, NMSA 1978, §§ 60-6E-1 to -12 (1999, as amended through 2021).

<sup>9</sup> Defendant makes an ancillary argument in support of his claim of instructional error, which is soundly defeated in light of our holding. In particular, Defendant claims that the failure to instruct on whether he knew he was violating Section 60-7B-1 was a “genuine issue,” given that he reasonably could have believed he was subject to one of Section 60-7B-1(A)’s exceptions. *See, e.g.,* § 60-7B-1(B)(1) (relieving from Section 60-7B-1(A) liability the parent, legal guardian, or adult spouse of a minor who serves that minor alcohol on non-licensed premises, real property). Since this argument relies on the invalid premise that Defendant’s reading of Section 60-7B-1(A) is correct, it is unavailing. To the extent this argument is distinct from Defendant’s primary jury instruction argument, it is unclear and lacks development, and we do not consider it further. *See State v. Fuentes*, 2010-NMCA-027, ¶ 29, 147 N.M. 761, 228 P.3d 1181 (noting that we will “not review unclear or undeveloped arguments [that] require us to guess at what [a] part[y]’s arguments might be”).

{42} Defendant concedes that he did not object to the admission of the evidence he now challenges on appeal on the ground it violated Rule 11-404(B).<sup>10</sup> Accordingly, our review is for plain error only. *See State v. Montoya*, 2015-NMSC-010, ¶ 46, 345 P.3d 1056 (“[T]his Court may review evidentiary questions although not preserved if the admission of the evidence constitutes plain error.” (internal quotation marks and citation omitted)).

{43} “The plain-error rule . . . applies only if the alleged error affected the substantial rights of the accused.” *Id.* (internal quotation marks and citation omitted); *see also* Rule 11-103(E) NMRA (“A court may take notice of a plain error affecting a substantial right[.]”). Because it is an exception to the preservation requirement, we apply the rule sparingly and only when “we have grave doubts about the validity of the verdict, due to an error that infects the fairness or integrity of the judicial proceeding.” *State v. Torres*, 2005-NMCA-070, ¶ 9, 137 N.M. 607, 113 P.3d 877 (internal quotation marks and citation omitted). Furthermore, a determination of whether reversal is warranted on the ground of plain error ultimately requires an examination of “the alleged errors in the context of the testimony as a whole.” *Montoya*, 2015-NMSC-010, ¶ 46 (internal quotation marks and citation omitted). The burden is on the defendant asserting plain error to establish prejudice. *See State v. Summerall*, 1986-NMSC-080, ¶ 3, 105 N.M. 82, 728 P.2d 833 (“A defendant

must show prejudice before a claim of plain error can stand.”); *cf. State v. Astorga*, 2015-NMSC-007, ¶ 43, 343 P.3d 1245 (holding that “[the d]efendant bears the initial burden of demonstrating that he was prejudiced by the [preserved] error”).

{44} In this case, Defendant does little more than argue that the evidence in question was inadmissible under Rule 11-404(B) and that the district court should have excluded it notwithstanding the lack of objection from him. Even assuming the evidence is inadmissible, however, Defendant’s briefing lacks any developed argument as to how he contends he was prejudiced by its admission. To the extent he does make such an argument, Defendant merely contends that “[o]nce irrelevant, inherently prejudicial information is given to the jury, there is no effective way to remove the taint.” But as discussed above, a determination of whether an error rises to the level of plain error is case specific and requires an examination of the errors in the context of the trial as a whole. *Cf. State v. Tollardo*, 2012-NMSC-008, ¶¶ 43-44, 275 P.3d 110 (stressing the case-specific nature of harmless error review and identifying several factors for consideration).

{45} Defendant neither examines the alleged errors in the context of the trial testimony as a whole nor cogently explains to us why he believes he was prejudiced to the extent that we should have grave doubts about the validity of the verdict. *Cf., e.g., State v. Serna*, 2013-NMSC-033,

¶ 23, 305 P.3d 936 (discussing factors bearing on prejudice, including “the source of the error, the emphasis placed on the error, evidence of the defendant’s guilt apart from the error, the importance of the erroneously admitted evidence to the prosecution’s case, and whether the erroneously admitted evidence was merely cumulative”). This is a fatal flaw, and we will not undertake such a case-specific analysis for him. *See, e.g., State v. Flores*, 2015-NMCA-002, ¶ 17, 340 P.3d 622 (“Our Court has been clear that it is the responsibility of the parties to set forth their developed arguments, it is not the court’s responsibility to presume what they may have intended.”); *accord Astorga*, 2015-NMSC-007, ¶¶ 43, 52 (reiterating that it is the defendant’s burden to establish prejudice when the error is preserved and holding no plain error where the defendant would not prevail under the less strenuous standard of harmless error). We therefore reject Defendant’s argument that his convictions should be reversed on the ground evidence was admitted in violation of Rule 11-404(B) notwithstanding his failure to object.

#### CONCLUSION

{46} For the foregoing reasons, we affirm Defendant’s convictions.

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

**JENNIFER L. ATTREP, Judge**

**WE CONCUR:**

**ZACHARY A. IVES, Judge**

**JANE B. YOHALEM, Judge**  
**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

<sup>10</sup> To be clear, Defendant did object to certain portions of M.V.’s classmate’s and mother’s testimony, but on grounds of speculation and relevancy and not because it violated Rule 11-404(B). The Rule 11-404(B) argument we now confront thus was not preserved. *See State v. Ortiz*, 2009-NMCA-092, ¶ 32, 146 N.M. 873, 215 P.3d 811 (“To preserve an issue for review on appeal, it must appear that appellant fairly invoked a ruling of the trial court on the same grounds argued in the appellate court.” (internal quotation marks and citation omitted)); *State v. Lucero*, 1986-NMCA-085, ¶¶ 9-11, 104 N.M. 587, 725 P.2d 266 (holding the defendant’s general hearsay objections pertaining to foundation did not preserve argument on appeal that testimony did not fall within a specific hearsay exception).





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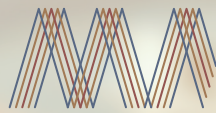
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The firm of MYNATT MARTÍNEZ SPRINGER P.C. is looking for associates. Our practice focuses primarily on the defense of public entities and their employees but runs the gamut on all civil matters. The pay and benefits are competitive, and the billable hours are manageable. We are located in the City of Las Cruces, sometimes known as the Paris of the Rio Grande. Here, for the price of a small hovel in Santa Fe, you can purchase a moderate-sized mansion. The weather is beautiful, the food is spicy (we are right next to Hatch after all), the crime is low (looking at you Albuquerque), and the sunsets are stunning. If you are interested in making a change, email us at [rd@mmslawpc.com](mailto:rd@mmslawpc.com).



### **Civil Litigation Defense Firm Seeking Associate and Senior Associate Attorneys**

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

### **The Office of the Second Judicial District Attorney**

The Office of the Second Judicial District Attorney improves the quality of life of the citizens of Bernalillo County by reducing crime through thoughtful enforcement of the law and the development of a criminal justice system. The Office is an Equal Employment Opportunity Employer and is seeking applicants for Assistant Trial Attorney, Trial Attorney, Senior Trial Attorney and Deputy District Attorney positions. Pursuant to the New Mexico District Attorney's Compensation Plan, the position of attorney is "At Will" and serves at the pleasure of the District Attorney. Salary is commensurate with experience. Resume, writing sample and three professional references must be received at the Office of the Second Judicial District Attorney. Attorneys must be licensed to practice law in the State of NM or be able to obtain a limited law license. Applicants selected for an interview must notify the Office of the Second Judicial District Attorney of the need for a reasonable accommodation due to a disability. Please submit resumes to: <https://berncoda.com/careers/>

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

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

### **City Attorney**

**Job Description:** The City of Gallup is recruiting for a City Attorney. The City Attorney is one of two officers appointed by the Mayor and City Council. The City Attorney serves at the pleasure of the City Council and is an at-will employee. Essential responsibilities and duties may include, but are not limited to the following: Is responsible for providing legal representation and legal counsel in all matters to the City Council; its committees, boards and commissions; the City Manager; and to the departments within the City of Gallup. Prepares or assists in the preparation of City ordinances, resolutions, agreements, contracts, deeds, leases, joint powers agreements and approves the form of such instruments. Develops new ordinances and resolutions to implement the policies of the City Council. Analyzes changes in Federal and state law and court decisions to determine the impact on the City. Represents the City in legal actions and ensures that violations of the City Code are prosecuted. Retains outside counsel to provide legal counsel and representation in specialized areas of law and oversees and directs outside counsel Represents the City in both administrative and judicial litigation and retains and works with outside counsel to represent the City in litigation in specialized areas of law. Performs other duties as may be required by the Charter, City Code, or the Mayor and City Council. **STARTING SALARY AND BENEFITS:** \$100,000 - \$130,000 annually, DOQ. The City provides excellent fringe benefits: PERA Retirement Plan; VOYA Deferred Compensation; and Health, Dental, Life & Vision Plan. **MINIMUM REQUIRED QUALIFICATIONS:** Graduation from an accredited law school with a possession of a Juris Doctorate degree; Five (5) years of experience practicing law; Valid driver's license. Must meet City's insurability requirements. **SPECIAL REQUIREMENTS:** Must be licensed to practice law in the State of New Mexico. **PREFERRED QUALIFICATIONS:** At least eight (8) years of experience practicing in areas of law relevant to the representation of New Mexico governmental entities; Experience representing New Mexico municipalities, or other similar governmental entities, either as an employee, contract attorney, or for a law firm that is contracted to do work for such entity; Legal experience in a broad range of areas of law including: open meetings, public records, government contracting, public procurement, labor and employee relations, civil rights, tort claims, land use, utilities, and prosecution of criminal offenses; Experience drafting legal documents including ordinances, resolutions, policies and procedures, contracts, joint powers agreements, leases and land conveyancing documents, administrative and judicial pleadings, and legal opinions. Applicants selected to interview will be asked to submit a writing sample. **CLOSING DATE:** Open until filled, however the first review of applications will occur on November 15, 2022. The City of Gal-

lup is an Equal Opportunity Employer that is committed to hiring qualified individuals and does not discriminate in employment or the provision of services on the basis of race, color, religion, national origin or ancestry, disability, age, gender, Vietnam Era or disabled veteran status, sexual orientation or medical condition. All applicants will be evaluated solely on the basis on job-related qualifications. For more information and to apply for this position, please visit the City of Gallup's website at: [www.GallupNM.gov](http://www.GallupNM.gov)

### **Legal Counsel**

New Mexico Gas Company has an opening for a Legal Counsel role in Albuquerque, NM. Ignite your career with New Mexico Gas Company! By joining the NMGC family, you can count on a safety-focused work environment, competitive pay and benefits and opportunities for training and personalized development to ignite your career. We embrace diversity and the inclusion of all; our difference, unique perspectives and talents are our strengths and integral to the success of our company. **Position Concept:** Provides professional legal guidance and assistance internally for the Company. Prepares legal research and analysis of issues. May represent the company in various proceedings. Candidate should have experience with drafting and negotiating contracts in one or more of the following subject matter areas: construction contracts; professional services agreements; procurement contracts; information technology (including software and SaaS) contracts; and real property. Limited experience in these areas does not necessarily preclude a candidate from consideration, however, the ideal candidate will possess at least some experience in a transactional field. **Education:** Juris Doctorate. **Licenses/Certifications:** Membership in New Mexico State Bar, in good standing. Must maintain annual continuing legal education (CLE) requirements and must maintain state licensure. Must possess a valid driver's license and meet the acceptable driving record requirements of the Company. **Experience:** Visit [www.nmgco.com/careers](http://www.nmgco.com/careers) for more details on the duties and responsibilities of this position and the experience requirements for each level. **Salary** Starting salary for a Legal Counsel is \$96,200 to \$120,250; Legal Counsel II is \$110,600 to \$138,250; and Senior Legal Counsel is \$127,200 to \$159,000. **Benefits Package:** \*Short Term Incentive Program \*401k Savings plan w/ company matching \* Pension plan \* PTO\* Paid Holiday time \* Medical, Dental and Vision Coverage \* Tuition Assistance Program \* Gym Subsidy\* Employee Common Share Purchase Plan

**Associate Attorney – Civil Litigation**

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

**Associate Attorney**

Santa Fe Law Group seeks an associate attorney with a strong interest in water law and real estate. Our boutique practice in Santa Fe also includes estate planning, business, construction, family law, and related litigation. Send your resume, statement of interest, transcript, and writing sample to [srf@santafelawgroup.com](mailto:srf@santafelawgroup.com). All levels considered, with ideal candidates having 1-4 years of practice experience.

**Litigation Attorney**

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

**Full-Time or Part-Time Licensed Attorney**

Winger Law Firm, PC seeks a full-time or part-time New Mexico licensed attorney to assist with insurance, personal injury, and general civil litigation. This position requires a motivated, self-starter with solid research and writing skills. Insurance defense experience is a plus but not required. Candidate must be familiar with State and Federal Rules of Civil Procedure. This position is remote with extremely flexible hours. Winger Law Firm prides itself on providing competent, efficient legal services to clients with an emphasis on creating a manageable and enjoyable work-life balance for its employees. All inquiries kept confidential. Salary DOE. Please forward your resume to [jobs@wingerlawfirm.com](mailto:jobs@wingerlawfirm.com)

**Attorneys- primary responsibility of advising Albuquerque Police Department (APD)**

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

**Entry Level and Experienced Trial Attorneys**

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced trial attorneys. Positions available in Sandoval, Valencia, and Cibola Counties. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing the opportunity to advance more quickly than is afforded in larger offices. The 13th Judicial District has family friendly policies. Salary is depending on experience. Ranging from \$65,000- \$92,000 Contact Krissy Fajardo @ [kfajardo@da.state.nm.us](mailto:kfajardo@da.state.nm.us) or visit our website for an application @<https://www.13th.nmdas.com/> Apply as soon as possible. These positions will fill up fast!

**Assistant Trial Attorney – Magistrate Court 1st Judicial District Attorney**

The First Judicial District Attorney's Office is seeking an Assistant Trial Attorney for the Magistrate Court Division to be located in the Santa Fe Office. Salary is based on experience and the District Attorney Personnel and Compensation Plan. Please send resume and letter of interest to: "DA Employment," PO Box 2041, Santa Fe, NM 87504, or via e-mail to [1stDA@da.state.nm.us](mailto:1stDA@da.state.nm.us).

**Senior Trial Attorney 1st Judicial District Attorney**

The First Judicial District Attorney's Office is seeking an experienced attorney in the Espanola Office. Salary is based on experience and the District Attorney Personnel and Compensation Plan. Please send resume and letter of interest to: "DA Employment," PO Box 2041, Santa Fe, NM 87504, or via e-mail to [1stDA@da.state.nm.us](mailto:1stDA@da.state.nm.us).

**AOC Deputy Director**

You are invited to join the AOC team in the challenging and rewarding work done by the New Mexico Judiciary! The New Mexico Judicial Branch is recruiting for a Deputy Director for the Administrative Office of the Courts (AOC) to oversee statewide judiciary operations. The Deputy Director works closely with the Director under the guidance of the New Mexico Supreme Court to manage all aspects of court operations. AOC responsibilities include oversight of court budgets that exceed \$200 million annually, personnel rules and actions statewide, court services and programs, and technology that include a statewide case management system and electronic filing. Duties include frequent contacts with executive and legislative agencies as well as active involvement with legislative initiatives before and during the annual legislative session. The New Mexico Judiciary is unified, giving the Director and Deputy Director significant, broad involvement in all aspects of court operations statewide. Serving as the Deputy Director provides the opportunity to play a vital role in developing and implementing policies and programs throughout the state. This position would serve as the AOC representative staffed to and supporting many judicial committees that develop and administer judicial policies. The office location is Albuquerque (oasis in the high desert, full of rich history, diverse culture, authentic art & dynamic traditions, painted skies, abundant space and more than 310 days of sunshine) or Santa Fe (the state capitol with a diverse culture, beautiful high desert mountains, and abundant museums, restaurants, and outdoor recreation opportunities), New Mexico. The AOC has offices in both Albuquerque and Santa Fe, with occasional statewide travel. The salary range is \$100,000 to \$200,000. For more information or to apply to go to the Judicial Branch web page at [www.nmcourts.gov](http://www.nmcourts.gov) under Career Opportunities. Equal Opportunity Employer

**Associate Attorney**

The law office of McGraw & Associates, LLC, based in Las Cruces, New Mexico, is a personal injury law firm representing plaintiffs in civil litigation. We are seeking applications for an associate attorney with a minimum of 3 years of experience. Candidates should have excellent brief writing and legal research skills. Must have experience with the civil discovery process, including motions practice and depositions. Trial experience is a plus, but not required. Must be a self-starter, able to work well with others, and independently in a fast-paced, professional environment. Competitive salary and benefits, including health insurance and 401K plan. Replies are confidential. Send current resume, a cover letter written in blue font, and three references to: [reception@lawfirmnm.com](mailto:reception@lawfirmnm.com)

### Attorney with 2-5 Years' Experience

James Wood Law, a law firm in Albuquerque, NM specializing in Plaintiffs' medical malpractice cases, seeks an associate attorney with 2-5 years' experience. (We will also consider applications from more experienced attorneys.) We offer a competitive salary and benefits, including 401(k) and employer-paid health insurance. Please submit a resume and one writing sample to [jwood@jameswoodlaw.com](mailto:jwood@jameswoodlaw.com).

### Two Tribal Attorneys – Legislative Specialist

Job Openings: Tribal Attorney. Tribal Attorney – Legislative Specialist. The Southern Ute Indian Tribe is hiring two attorneys to join the in-house Legal Department on the Southern Ute Reservation in beautiful southwest Colorado. The growing team of attorneys in the Legal Department provides legal representation, advice, and support to the Tribal government, including Tribal Council, Tribal officials, and Tribal departments. Tribal Attorney - must have a strong command of Federal Indian law and understanding of tribal sovereignty, as well as an ability to provide legal advice on a variety of topics in a fast-paced environment. This position requires a minimum of three years of full-time experience practicing law, including significant Indian law experience. Deadline: Open until filled. Tribal Attorney – Legislative Specialist - has primary responsibility for reviewing, revising, and drafting the Tribe's codes and ordinances. This position requires a minimum of three years of full-time experience practicing law, including significant experience drafting codes and ordinances. Deadline: 5:00 pm on December 1, 2022. For more information about the positions and to apply, please visit: <https://careers.southernute.com/pfund>.

### Litigation Attorney – IRC111263

The Los Alamos National Laboratory Office of General Counsel (OGC) is seeking an early career litigation attorney to perform legal work on a wide range of interesting litigation, including general commercial, construction, contract disputes, employment, labor and other disputes. You will prepare case assessments, update management on status of litigation, evaluate potential outcomes and propose litigation approaches that meet institutional objectives. Qualified candidates will be a member of a Bar in good standing and have experience with administrative litigation, administrative hearings and enforcement proceedings. This position also requires the ability to obtain a DOE security clearance. Apply online using IRC111263 at: [www.lanl.jobs](http://www.lanl.jobs) Los Alamos National Laboratory is an equal opportunity employer.

### Attorney

Madison, Mroz, Steinman, Kenny & Olexy, P.A., an AV-rated civil litigation firm, seeks an attorney with 3+ 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.

### Staff Attorney

The New Mexico Prison & Jail Project (NMPJP) is a nonprofit legal organization that advocates to protect the rights of incarcerated people in New Mexico by bringing civil rights lawsuits and other legal actions on their behalf. NMPJP has a new position available for a full-time staff attorney. Generous benefits package. Salary dependent on experience. Work will be primarily remote with daily coordination of activities occurring with NMPJP's Director and Paralegal via Zoom, email, texts and calls, and with at least one in-person meeting per week at the NMPJP office in Albuquerque. The ideal candidate will have a passion for advocating for the rights of people who are incarcerated and significant experience with federal and state litigation. We also seek candidates with a proficiency in legal research and document drafting; and excellent written, verbal and interpersonal communication skills. Email a letter of interest and resume to the selection committee at [info@nmpjp.org](mailto:info@nmpjp.org).

### Personnel Hearing Officer

The City of Albuquerque is soliciting responses from qualified firms or attorneys interested in serving as contract Personnel Hearing Officer for personnel hearings under the City's Merit System Ordinances, §3-1-1 et seq. ROA 1994 and the Independent Hearing Office Ordinance Section §2-7-2 ROA 1994. The hearing officers may also provide services for other miscellaneous hearings under assorted City Ordinances. The full Request for Proposals can be accessed at: <https://cabq.bonfirehub.com/portal/?tab=openOpportunities> Proposals are due no later than January 4, 2023 @ 4:00pm Local Time.

### Seeking Part-Time Paralegal/ Legal Writer

Rio Rancho Attorney seeks motivated senior with experience, common sense, and thick skin. Please contact Daniel at (505) 247-1110.

### Human Resources Manager

Modrall Sperling seeks an experienced Human Resources Manager to support its lawyers and staff in our Albuquerque and Santa Fe offices. Key Responsibilities: Directly supervise legal support staff, including paralegals, legal assistants, and document clerks; Implement and maintain staff schedules, including backup assignments; Monitor staff workloads and rebalance as needed; Oversee staff recruiting, onboarding discipline and separation processes; Plan and facilitate staff training; Support firm committees, including the Associates, Diversity, Equity & Inclusion, and Benefits committees; Manage annual staff performance evaluation process and conduct feedback sessions. Support firm events: Assist with the annual benefits renewal process, respond to benefit inquiries during the year; Review requests for leaves of absence and/or medical accommodations Maintain the firm's policy manuals for lawyers and staff; Additional responsibilities as assigned by firm management. Minimum Education and Experience: A bachelor's degree in Human Resources or related field is strongly preferred; At least three to five years of experience in Human Resources, preferably in a law firm or professional services firm Required Skills and Abilities: Must be a team player and able to work with lawyers and staff at all levels; Must have excellent communication and conflict resolution skills; Must be able to work in a fast-paced environment with an ability to prioritize competing assignments and deadlines. While remote access is available in special circumstances, the HR Manager will be expected to work in the office five days a week. This is a great opportunity to work with an outstanding New Mexico law firm. For consideration, please send your resume to Susan Harris at the email or office address listed below. Susan Harris, Modrall Sperling, 500 4th Street NW, Suite 1000, Albuquerque, NM 87102; [susanh@modrall.com](mailto:susanh@modrall.com)

### Paralegal

Madison, Mroz, Steinman, Kenny & Olexy, P.A., an AV-rated civil litigation firm, seeks a full-time paralegal with a minimum of three (3) years' experience, including, but not limited to, current working knowledge of State and Federal District Court rules and filing procedures, document and case management, performing legal research, preparing discovery, drafting pleadings, calendaring, experience in summarizing medical records, and trial preparation. The candidate must be detail oriented with strong organization skills and the ability to multi task. Salary is competitive and commensurate with experience, along with excellent benefits. All inquiries are kept confidential. Please forward CVs to [becky@madisonlaw.com](mailto:becky@madisonlaw.com), or mail to Human Resources Manager, P.O. Box 25467, Albuquerque, NM 87125-5467.

## Legal Assistant – Las Cruces 2022-12

The Federal Public Defender for the District of New Mexico is accepting applications for a full-time Legal Assistant in the Las Cruces office. The federal defender organization operates under the Criminal Justice Act, 18 U.S.C. §3006A, to provide criminal defense and related help in federal courts. More than one position may be filled from this posting. Job Description: The Legal Assistant performs tasks such as the following: Performs the functions of a Legal Assistant to Assistant Defenders utilizing advanced knowledge of legal terminology, Word and information processing software. Understands district and circuit court rules and protocols. Edits and proofreads initial drafts, transcribes dictation, performs cite checking and assembles copies with attachments for filing and mailing. Responsible for electronic filing of pleadings; At times may receive, screen, and refer telephone and in-person callers. Answers general inquiries from knowledge of the defender organization's activities and program operations and obtains information from others as requested by the Assistant Defender(s); Screens incoming mail and handles some routine matters as authorized. Routes mail to appropriate destinations. Reviews outgoing mail for accuracy. Maintains correspondence control records; Prepares correspondence by either drafting from general instructions or typing in prescribed format. Prepares memoranda for signature by the Assistant Defender(s); Maintains calendars for the Assistant Defender(s), setting appointments as authorized. Arranges meetings and conferences, informing participants of date, time and location of meeting. Reminds the Assistant Defender(s) of appointments and commitments; Organizes case files for Assistant Defender(s) and is responsible for other case management functions as assigned, which may include: opening and closing files, recording future court appearances on the office master calendar and the personal calendars of Assistant Defender(s), and notifying clients of the dates and times of court appearances and appointments with the Assistant Defender(s) and defense experts. Experience Requirements: The ideal candidate will have a general understanding of the following: Office confidentiality issues, such as attorney/client privilege; The ability to analyze and apply relevant policies and procedures to office operations; Exercise good judgment; Have a general knowledge of office protocols and secretarial processes; Analyze and recommend practical solutions; Be proficient in Microsoft Word and Adobe Acrobat; Have the ability to communicate effectively with assigned attorneys, other

staff, clients, court agency personnel, and the public; Have an interest in indigent criminal defense; Must possess excellent communication and interpersonal skills; Be self-motivated while also excelling in a fast-paced team environment; Spanish fluency is mandatory. Minimum qualifications are high school graduate or equivalent and at least three years legal secretary experience, federal criminal experience preferred. Starting salary ranges from a JSP-6 to JSP-8, currently yielding \$40,262 to \$49,549 annually depending on experience. Salary and Benefits: This position is full time with a comprehensive benefits package that includes: health and life insurance, vision and dental benefits, flexible spending accounts, paid time off, sick leave, leave for all federal holidays, participation in the Federal Employees' Retirement System, and participation in the Thrift Savings Plan with up to 5% government matching contributions. Salary is payable only by electronic funds transfer (direct deposit). Conditions of Employment: Appointment to the position is contingent upon the successful completion of a background check and/or investigation including an FBI name and fingerprint check. Employees of the Federal Public Defender are members of the judicial branch of government and are considered "at will." You must be a U.S. citizen or person authorized to work in the United States and receive compensation as a federal employee. All employees must be fully vaccinated for Covid-19 and provide proof of such prior to entrance on duty. Employees will be required to stay up-to-date and comply with the current and ongoing recommendations by the CDC and/or New Mexico Department of Health regarding Covid-19 vaccinations and boosters. Application Information: In one PDF document, please submit a statement of interest, resume and three references to: Michelle Dworak, Administrative Officer, FDNM-HR@fd.org, Reference 2022-12 in the subject. Applications must be received by November 14, 2022. Position(s) will remain open until filled and is subject to the availability of funding. The Federal Public Defender is an equal opportunity employer. We seek to hire individuals who will promote the diversity of the office and federal practice. No phone calls please. Submissions not following this format will not be considered. Only those selected for interview will be contacted.

## Paralegal

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

## Legal Secretary

AV rated insurance defense firm seeks full-time legal assistant with five plus years' experience in insurance defense and civil litigation. Position requires a team player with strong word processing and organizational skills. Proficiency with Word, knowledge of court systems and superior clerical skills are required. Should be skilled, attentive to detail and accurate with a Minimum typing speed of 75 wpm. Excellent work environment, salary, private pension, and full benefits. Please submit resume to [mvelasquez@rileymlaw.com](mailto:mvelasquez@rileymlaw.com) or mail to 3880 Osuna Rd. NE, Albuquerque, NM 87109

## Paralegal

Peifer, Hanson, Mullins & Baker, P.A., is seeking an experienced commercial litigation paralegal. The successful candidate must be a detail-oriented, team player with strong organizational and writing skills. Experience in database and document management preferred. Please send resume, references and salary requirements via email to Shannon Hidalgo at [shidalgo@peiferlaw.com](mailto:shidalgo@peiferlaw.com).

## Legal Secretary

Downtown firm looking for legal secretary who is a team player with a great attitude. Top dollar wages to start with a sign-up bonus of \$1,000 after 30 days. Duties include calendaring, scheduling, preparation of pleadings and client interaction. Benefits include health, dental, disability, 401K, and parking. Contact [NMLegalOffice15@gmail.com](mailto:NMLegalOffice15@gmail.com) with resume and to set up interview.

## Fiscal Officer

The Senior Citizens' Law Office, Inc. seeks a Fiscal Officer responsible for the management and implementation of fiscal policies and procedures. Full-time position, generous employee benefits and paid time off. See job description at: [www.sclonm.org](http://www.sclonm.org)

### Part-Time Paralegal

The New Mexico Center on Law and Poverty is hiring a part-time Paralegal to advance litigation and advocacy with legal research, case development and investigation, client communication, preparation and organization of documents, and legal filing. Required: Strong commitment to social, racial, and economic justice, excellent research skills, good communicator, organized with attention to detail, and college degree with paralegal certification or equivalent experience. Apply in confidence by emailing a resume and cover letter to [contact@nmpovertylaw.org](mailto:contact@nmpovertylaw.org).

### Paralegal

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

### Paralegal/Legal Assistant

Well established Santa Fe personal injury law firm is in search of an experienced paralegal/legal assistant. Candidate should be friendly, honest, highly motivated, well organized, detail oriented, proficient with computers and possess excellent verbal and written skills. Duties include requesting & reviewing medical records, send out Letter of Protection & Letter of Representation, opening claims with insurance companies and preparing demand packages as well as meeting with clients. We are searching for an exceptional individual with top level skills. We offer a retirement plan funded by the firm, health insurance, paid vacation, and sick leave. Salary and bonuses are commensurate with experience. Please submit your cover letter and resume to [santafelawoffice2@gmail.com](mailto:santafelawoffice2@gmail.com)

### Legal Director

The New Mexico Foundation for Open Government (FOG) seeks a first time Legal Director/Litigator. The ideal candidate will be a highly motivated self-starter with civil trial court experience. The Legal Director will strategically select and pursue lawsuits that will advance FOG's mission, which includes enforcing and protecting the New Mexico Inspection of Public Records Act (IPRA), Open Meetings Act (OMA), and The First Amendment. Part time remote work opportunity. Some in-state travel. Candidates are asked to send a cover letter detailing experience, education and background and a sample legal brief to [info@nmfog.org](mailto:info@nmfog.org). Full details at [www.nmfog.org](http://www.nmfog.org). Please respond by Dec. 2, 2022.

### Experienced Legal Secretary

Peifer, Hanson, Mullins & Baker, P.A. is hiring a full time experienced legal secretary. The successful candidate must be a detail-oriented team player with strong organization and motivational skills. Salary DOE. Profit-sharing, health insurance, three weeks leave first year, and overtime available. Please send resume, references and salary requirements via email to Shannon Hidalgo at [shidalgo@peiferlaw.com](mailto:shidalgo@peiferlaw.com). No phone calls please.

### Paralegal

Personal Injury/Civil litigation firm in the Journal Center area is seeking a Paralegal with minimum of 5+ years' experience, including current working knowledge of State and Federal District Court rules and filing procedures, trial preparation, document and case management, calendaring, and online research, is technologically adept and familiar with use of electronic databases and legal-use software. Qualified candidates must be organized and detail-oriented, with excellent computer and word processing skills and the ability to multi-task and work independently. Experience in summarizing medical records is a plus. Salary commensurate with experience. Please send resume with references and a writing sample to [paralegal3.bleuslaw@gmail.com](mailto:paralegal3.bleuslaw@gmail.com)

## eNews

# Get Your Business Noticed!



**Welcome to Our New Website!**

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

Find us now at [www.sbnm.org](http://www.sbnm.org)! Our new website has a fresh new look, new members can now get 5 credits, licensing renewal, event registration spot, an updated

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

**Benefits:**

- Circulation of 8,000
- Affordable pricing
- High open/click rates
- Schedule flexibility
- Popular content



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

Contact Marcia Ulibarri,  
at 505-797-6058 or email [marcia.ulibarri@sbnm.org](mailto:marcia.ulibarri@sbnm.org)

## Office Space

### Single Office Space

Single Office Space available in downtown Santa Fe. Starting at \$750.00/month. Walking distance to State-Supreme Courts, Federal Court, City, County and State Offices. Contact C.I.R. Properties, LLC at 505-920-5804.

### Single Office Available in Santa Fe

Single Office Available In Santa Fe located at the St. Francis Professional Center located on St. Francis Drive. Ideal for solo attorney. Lots of parking and easy access to the Courts. Contact Ralph Montez at (505) 577-6002 or (505)984-3004.

## Services

### Engineering Forensics and Investigation Services

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# 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 [marcia.ulibarri@sbnm.org](mailto:marcia.ulibarri@sbnm.org)**

The publication schedule can be found at  
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