

BAR BULLETIN

November 8, 2023 • Volume 62, No. 21



State Bar of
New Mexico
Est. 1886



License Renewal and MCLE Compliance

Due February 1, 2024

- ✓ 2024 Licensing certifications and fees (Rule 24-102 NMRA)
- ✓ 2023 MCLE requirements (Rule 18-201 NMRA)

To complete requirements and check your MCLE transcript
visit www.sbnm.org and click [My Dashboard](#)

For questions, email license@sbnm.org

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BARBARA ROMO

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The logo for Spence features a stylized, yellow, brush-stroke-like 'S' that curves around the word 'SPENCE'. The word 'SPENCE' is written in a white, serif, all-caps font.

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ARTURO L. JARAMILLO

Summer Law Clerk Program

- ✓ Does your firm, business, or organization want to be part of an ABA Awarded program? It's the only one of its kind in the country!
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If you answered yes to one or all of these questions, then participating in the Arturo Jaramillo Clerkship Program can help accomplish these goals! Arturo L. Jaramillo, the first Hispanic president of the State Bar of New Mexico, developed the Summer Law Clerk Program ("Program") in 1993 to offer first year law students of diverse backgrounds the opportunity to clerk in legal settings that provide a foundation for the students' law careers and to promote equal employment opportunities for persons who have historically been under-represented in the legal profession. The Program creates employment opportunities in medium and large law firms, state and local public agencies, and corporate law departments in New Mexico by providing a summer law clerk experience for motivated and deserving law students who meet the programs eligibility criteria.

To learn more, please contact the organizers of the event!



DENISE CHANEZ
DChanez@sclawnm.com



LEON HOWARD
lhoward@aclu-nm.org



State Bar of New Mexico
Committee on Diversity
in the Legal Profession



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

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Erinna M. Atkins, President-Elect
Aja N. Brooks, Secretary Treasurer
Carolyn A. Wolf, Immediate Past President

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www.sbnm.org



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Meetings

November

- 8**
Animal Law Section
Noon, virtual
- 10**
Prosecutors Section
Noon, virtual
- 14**
Bankruptcy Section
Noon, Bankruptcy Court & virtual
- 17**
Family Law Section
9 a.m., virtual
- 24**
Immigration Section
Noon, virtual

December

- 1**
Elder Law Section
Noon, virtual
- 5**
Health Law Section
9 a.m., virtual
- 8**
Cannabis Law Section
9 a.m., virtual
- 18**
Children's Law Section
Noon, virtual

Workshops and Legal Clinics

December

- 6**
Divorce Options Workshop
6-8 p.m., virtual
- 12**
Common Legal Issues for Senior Citizens Workshop
11 a.m.-noon, virtual
For more details and to register, call
505-797-6005
- 13**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

Notices

Please email notices desired for publication to notices@sbnm.org.

COURT NEWS New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

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

N.M. Administrative Office of the Courts

Learn About Access to Justice in New Mexico in the "Justice for All" Newsletter

Learn what's happening in New Mexico's world of access to justice and how you can participate by reading "Justice for All," the New Mexico Commission on Access to Justice's monthly newsletter! Email atj@nmcourts.gov to receive "Justice for All" via email or view a copy at <https://accesstojustice.nmcourts.gov>.

U.S. District Court, District of New Mexico

Notice of Investiture of United States Magistrate Judge Damian L. Martinez

Please join us for the Investiture of Honorable Damian L. Martínez at 3:30 p.m. (MT) on Dec. 1 in the Sierra Blanca Courtroom at the United States Courthouse in Las Cruces, N.M. (100 N. Church Street, Third Floor). A reception hosted by the Federal Bench and Bar of the United States District Court for the District of New Mexico will follow from 5:30 to 7:30 p.m. (MT) at Double Eagle (2355 Calle De Guadalupe, Me-

Professionalism Tip

With respect to parties, lawyers, jurors and witnesses:

Within practical time limits, I will allow lawyers to present proper arguments and to make a complete and accurate record.

Bar Bulletin Publication Notice:

The *Bar Bulletin* issues scheduled for Nov. 22 and Dec. 27 will both be published as Exclusive Digital Holiday Editions in an effort to reach the largest number of readers during the busy holiday season. These two exclusively digital issues will not be printed or mailed to subscribers of the printed version of the *Bar Bulletin*. The Nov. 22 and Dec. 27 issues will be delivered electronically to subscribers of the *Bar Bulletin* and will also be available on the State Bar of New Mexico's website at: <https://www.sbnm.org/News-Publications/Bar-Bulletin/Current-Issue>.



silla, N.M.). All members of the Federal Bench and Bar are cordially invited to attend; however, reservations are requested. RSVP, if attending, at <https://rsvp.nmcourt.uscourts.gov/Martinez>.

STATE BAR NEWS 2024 Budget Disclosure Deadline to Challenge Expenditures

The State Bar of New Mexico Board of Bar Commissioners has completed its budgeting process and finalized the 2024 Budget Disclosure, pursuant to the State Bar Bylaws, Article VII, Section 7.2, Budget Procedures. Starting Nov. 1, the budget disclosure will be available in its entirety on the State Bar website at 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. (MT), Nov. 30, 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. 6 meeting. Address challenges to: Executive Director Richard Spinello, State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199; or info@sbnm.org. Challenges may also be delivered in person to the State Bar Center, 5121 Masthead NE, Albuquerque, N.M. 87109.

Access to Justice Fund Grant Commission

Notice of Commissioner Vacancies

Four Commissioner appointments for three-year terms will be made to the State Bar of New Mexico ATJ Fund Grant Commission. The ATJ Fund Grant Commission solicits and reviews grant applications and awards grants to civil legal services organizations consistent with the State Plan for the Provision of Civil Legal Services to Low Income New Mexicans. To be eligible for appointment, applicants must not be affiliated with a civil legal service organization which would be eligible for grant funding from the ATJ Fund. Anyone interested in serving on the Commission should send a letter of interest and brief résumé by Nov. 15, to Kate Kennedy at kate.kennedy@sbnm.org.

Board of Bar Commissioners Appointments to New Mexico Access to Justice Commission

The Board of Bar Commissioners will make two appointments to the NM Access to Justice Commission for three-year terms. The Commission is dedicated to expanding and improving civil legal assistance by increasing pro bono and other support to indigent people in New Mexico. Active status attorneys in New Mexico who would like to serve on the Commission should send a letter of interest and brief resume by Nov. 27 to bbc@sbnm.org.

Appointment to New Mexico State Bar Foundation

The Board of Bar Commissioners of the State Bar of New Mexico will appoint one public director to the New Mexico State Bar Foundation Board for a three-year term. The New Mexico State Bar Foundation advances the legal community's commitment to serve the legal profession and people of New Mexico. Through member donations, fundraising and programs, the Foundation provides and promotes access to legal services to underserved New Mexicans. The Foundation also supports public service, education, and diversity, as well as organizations consistent with its mission. For more information about the Bar Foundation, visit <https://www.sbnm.org/Bar-Foundation>. Members of the public interested in serving on the Board should submit a letter of interest and resume to bbc@sbnm.org by Nov. 27.

Disciplinary Board Appointment

The President of the Board of Bar Commissioners will make one appointment to the Disciplinary Board for a three-year term. Members wishing to serve on the Board should send a letter of interest and brief resume by Nov. 22 to bbc@sbnm.org.

Client Protection Fund

Notice of Commissioner Vacancies

Two Commissioner appointments for three-year terms for the Client Protection Fund will be made in accordance with Rule 17A-005 (B). The purpose of the Client Protection Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of New Mexico. The new term will begin Jan. 1, 2024. Applicants must be active members of the State Bar of New Mexico. Anyone interested in serving on the Commission should send a letter of interest and brief résumé to kate.kennedy@sbnm.org.

New Mexico Lawyer Assistance Program Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. (MT) on Mondays by Zoom. This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues, to know you are not in this alone and feel a sense of belonging. We laugh, we cry, we BE together. Join the meeting via Zoom at <https://bit.ly/attorneysupportgroup>

NM LAP Committee Meetings

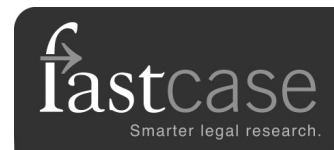
The NM LAP Committee will meet at 4 p.m. (MT) on Jan. 11, 2024. The NM LAP Committee was originally developed to assist lawyers who experienced addiction and substance abuse problems that interfered with their personal lives or their ability to serve professionally in the legal field. The NM LAP Committee has expanded their scope to include issues of depression, anxiety and other mental and emotional disorders for members of the legal community. This committee continues to be of service to the New Mexico Lawyer Assistance Program and is a network of more than 30 New Mexico judges, attorneys and law students.

New Mexico State Bar Foundation Pro Bono Opportunities

The New Mexico State Bar Foundation and its partner legal organizations gratefully welcome attorneys and paralegals to volunteer to provide pro bono service to underserved populations in New Mexico. For more information on how you can help New Mexican residents through legal service, please visit www.sbnm.org/probono.

— *Featured* —

Member Benefit



Fastcase is a free member service that includes cases, statutes, regulations, court rules and constitutions. This service is available through www.sbnm.org. Fastcase also offers free live training webinars. Visit www.fastcase.com/webinars to view current offerings. Reference attorneys will provide assistance from 8 a.m. to 8 p.m. ET, Monday–Friday. Customer service can be reached at 866-773-2782 or support@fastcase.com.

UNM SCHOOL OF LAW Law Library Hours

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

Legal Education

November

- 1-30 **Self-Study - Tools for Creative Lawyering: An Introduction to Expanding Your Skill Set**
1.0 G, 2.0 EP
Online On-Demand
The Ubuntuworks Project
www.ubuntuworksschool.org
- 8 **2023 Animal Law Institute: International Animal Law**
3.0 G, 1.0 EP
In-Person or Webcast
Center for Legal Education of NMSBF
www.sbnm.org
- 8-9 **68th Annual New Mexico Water Resources Research Institute**
10.1 G
In-Person or Webcast
New Mexico Water Resources Institute
https://nmwrri.nmsu.edu/
- 9 **2023 Cannabis Institute**
6.0 G, 1.0 EP
In-Person or Webcast
Center for Legal Education of NMSBF
www.sbnm.org
- 15 **Pac-Man, Tails, Prior Acts, Claims Made - Ugh, What Does It All Mean? What You Need to Know About Professional Liability Insurance**
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 16 **2023 Probate Institute**
6.3 G, 1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 17 **2023 Elder Law Institute**
2.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 17 **Cross-Examination: The Big Picture and the 3 Keys to Question Formation at Trial and Depositions**
1.5 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 19 **Fall Basic Mediation**
30.0 G, 2.0 EP
Live Program
University of New Mexico Law School
lawschool.unm.edu
- 29 **2023 Alternative Dispute Resolution Conference**
2.0 G, 3.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 30 **Why Female Attorneys Get Paid Less: What's Gender Bias Got to Do With It**
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 30 **Spanish for Lawyers I**
20.0 G
Live Program
University of New Mexico Law School
lawschool.unm.edu
- 30 **2023 Immigration Law Institute**
2.0 G, 1.0 EP
In-Person or Webcast
Center for Legal Education of NMSBF
www.sbnm.org

December

- 1-31 **Self-Study - Tools for Creative Lawyering: An Introduction to Expanding Your Skill Set**
1.0 G, 2.0 EP
Online On-Demand
The Ubuntuworks Project
www.ubuntuworksschool.org
- 6 **Tools for Creative Lawyering: An Introduction to Expanding Your Skill Set**
1.0 G, 2.0 EP
Video Replay with Monitor (Live Credits)
The Ubuntuworks Project
www.ubuntuworksschool.org
- 12 **Effective Lawyering - Effective Living: Law Practice and Well-being**
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org
- 13 **2023 New Mexico Tax Law Conference**
6.3 G, 1.0 EP
In-Person or Webcast
Center for Legal Education of NMSBF
www.sbnm.org
- 14 **2023 Winter Education Seminar**
5.0 G, 1.0 EP
Live Program
Workers Compensation Association of New Mexico
www.wcaofnm.com
- 15 **Earth, Air, Water, Fire: 2023 Natural Resources, Energy and Environmental Law Institute**
5.0 G, 1.0 EP
In-Person or Webcast
Center for Legal Education of NMSBF
www.sbnm.org

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

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

Elizabeth A. Garcia, Chief Clerk of the New Mexico Supreme Court
PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

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Deborah A. Zamora-Martinez
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87122-1230

Thomas B. Stribling
75 Circle Dr NE
Albuquerque, NM 87122

Jeromy Brandon West
5870 W Thunderbird Rd Ste A6
Glendale, AZ 85306

CLERK'S CERTIFICATE OF NAME CHANGE

As of May 12, 2023:
**Kacie Monica Cartwright
f/k/a
Kevin M. Cartwright**
221 S. 12th Street #308N
Philadelphia, PA 19107

As of May 22, 2023:
**Maria Sharp f/k/a
Maria M. Siemel**
9201 Montgomery Blvd., N.E.,
Suite 5
Albuquerque, NM 87111

As of May 24, 2023:
**Roxanne R. Rodriguez f/k/a
Roxanne Rodriguez Lara**
310 N. Canyon Street
Carlsbad, NM 88220

**Jessica Leigh Vickers f/k/a
Jessica L. Thompson**
116 E. Country Club Road
Roswell, NM 88201

As of May 25, 2023:
**Lauren Elizabeth Anne
Temple f/k/a
Lauren Elizabeth Anne Truitt**
P.O. Box 402
Ruidoso, NM 88355

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Jomile D. Williams**
563 West Bay Area Blvd #323
Webster, TX 77598

As of June 5, 2023:
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Susana Macias Munoz**
755 S. Telshor Blvd., Suite C202
Las Cruces, NM 88011

As of July 1, 2023:
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Brecken N. Larson**
P.O. Box 92860
Albuquerque, NM 87199

As of July 28, 2023:
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Tamira K. Webster**
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Santa Clarita, CA 91380

**Laraine Mendez f/k/a
Laraine Quirarte-Mendez**
2000 West Loop South, Ste.
2200
Houston, TX 77027

**Juan Vargas f/k/a
Andres Vargas**
P.O. Box 2066
El Prado, NM 87529

CLERK'S CERTIFICATE OF DISBARMENT

Effective July 14, 2023:
Victor Riton Marshall
12509 Oakland, N.E.
Albuquerque, NM 87122
505-332-9400
victor@vrmarshall.com

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On June 26, 2023:
Karl Mundt
Law Offices of the Public
Defender
301 N. Guadalupe Street
Santa Fe, NM 87501
505-395-2888

Eric Smiley
Law Offices of the Public
Defender
301 N. Guadalupe Street
Santa Fe, NM 87501
505-395-2888

On July 24, 2023:
Jeffrey Norman Jensen
New Mexico State University
P.O. Box 30001 MSC 3UGC
Las Cruces, NM 88003

On July 31, 2023:
Linda Samples
700 N Main Street
Suite 3200
Las Cruces, NM 88001
575-541-2128

Opinions

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

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

Effective October 13, 2023

PUBLISHED OPINIONS

A-1-CA-40056	Foundation Minerals v. Montie Carol Montgomery	Affirm/Reverse	10/02/2023
A-1-CA-39582	D Dearborn v. S Schardin-Clarke	Reverse	10/05/2023
A-1-CA-39940	I Rojas v. Reliable Chevrolet (NM) LLC	Affirm/Remand	10/10/2023
A-1-CA-40419	In the Matter of Elizabeth A.	Affirm	10/10/2023

UNPUBLISHED OPINIONS

A-1-CA-38718	V Quansah v. S Quansah	Affirm	10/03/2023
A-1-CA-40887	State v. C Urioste	Affirm	10/04/2023
A-1-CA-39328	State v. J Taylor	Affirm	10/10/2023
A-1-CA-40250	State v. J Norwood	Reverse/Remand	10/10/2023
A-1-CA-40507	M Rios v. J Rios	Affirm	10/10/2023
A-1-CA-40721	State v. C Pules	Affirm	10/10/2023
A-1-CA-41022	State v. T Edge	Reverse	10/10/2023
A-1-CA-41214	B Reddy v. NM Department of Transportation	Affirm	10/10/2023
A-1-CA-41215	R Cano. C v. City of Albuquerque	Affirm	10/10/2023
A-1-CA-40366	State v. F Juarez	Reverse/Remand	10/11/2023
A-1-CA-40739	State v. R Sanchez	Affirm	10/11/2023
A-1-CA-40833	State v. Z Fernandez	Affirm	10/11/2023
A-1-CA-41019	State v. I Estrada	Affirm	10/11/2023
A-1-CA-41161	P Cumpler v. Lea Regional Medical Center	Affirm	10/11/2023
A-1-CA-40080	State v. I Carver	Reverse/Remand	10/12/2023

Effective October 20, 2023

PUBLISHED OPINIONS

A-1-CA-39288	State v. K Buecker	Affirm	10/18/2023
A-1-CA-39378	Carlsbad Irrigation District v. J D'Antonio	Dismiss	10/18/2023
A-1-CA-40372	State of New Mexico ex rel. Office of the State Engineer v. Intrepid Potash, Inc.	Affirm	10/18/2023

UNPUBLISHED OPINIONS

A-1-CA-40242	State v. G Wortham	Affirm	10/17/2023
A-1-CA-40573	State v. J Braziel	Affirm	10/17/2023
A-1-CA-40842	State v. C Ovalle	Affirm	10/17/2023
A-1-CA-39753	B Franklin v. State Personnel Office	Reverse/Remand	10/18/2023
A-1-CA-41243	M Wilson v. C Aragon	Affirm	10/18/2023
A-1-CA-40465	State v. L Scott	Affirm/Remand	10/19/2023

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

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



A Message from New Mexico State Bar Foundation President

Hon. Carl J. Butkus

Dear Friends and Colleagues,

With the holiday season upon us, I hope that all of you are able to take a moment and celebrate with those around you. With 2024 right around the corner, and as I conclude my second year as the President of the New Mexico State Bar Foundation, I'd like to highlight some of the New Mexico State Bar Foundation's accomplishments thus far and preview some of our upcoming initiatives.

The New Mexico State Bar Foundation, as a major advocate for pro bono work in New Mexico, has long championed its legal clinics and workshops. Similarly, the Foundation takes equal pride in its helplines, including the long-standing Legal Resources for the Elderly Program (LREP) and the newer Modest Means Helpline, which was established in October 2022. By June 2023 alone, with just one intake staff and two staff attorneys, the Modest Means Helpline responded to and helped 1,073 callers. The Modest Means Helpline has expanded since then thanks to additional funding from the New Mexico legislature and by bringing on two more full-time staff attorneys and one part-time staff attorney. Going forward, the Bar Foundation hopes to bring on one more helpline staff attorney, which will equip the Modest Means Helpline with the robust tools it needs to operate efficiently in providing legal assistance to New Mexicans of modest means.

The New Mexico State Bar Foundation has entered into an agreement with Simons Consulting Group from New Mexico to provide fundraising consulting services, starting this month. One of the Foundation's goals in its strategic plan is to create a broad-based fundraising program for the New Mexico State Bar Foundation to fund its public service programs mentioned above. The fundraiser will assist the Foundation with this goal by creating a marketing campaign and planning and prioritizing a fundraising program, including planned giving, an annual campaign and coordinating friend-raising and fundraising events. This will help to boost the New Mexico State Bar Foundation's advancement of the legal community's commitment to serve the legal profession and people of New Mexico, and it will facilitate further opportunities to help those in need through the Bar Foundation's support of public service, education and diversity, as well as organizations consistent with its mission.

In 2024, I will be handing my position as President of the New Mexico State Bar Foundation over to my friend and close colleague, Gerald Dixon. He has been incredible to work alongside on the Bar Foundation Board of Directors and has helped me lay the groundwork for some of the Bar Foundation's most successful initiatives. I trust that his combined experience on the New Mexico State Bar Foundation Board of Directors and as a Past President of the State Bar of New Mexico will serve him well in leading the Foundation in 2024.

In closing, I would like to reiterate and emphasize the importance of the New Mexico State Bar Foundation. Where the State Bar of New Mexico acts as part regulatory and part membership-focused for the legal community, the New Mexico State Bar Foundation is a model for access to justice for New Mexicans. Serving elderly and low-income groups and other New Mexicans seeking legal recourse, the New Mexico State Bar Foundation can provide resources and assistance in a highly actionable way. We have taken many steps over the past years to ensure the Foundation's meaningful impact on the State, and I hope that this momentum will continue for many years to come.

Sincerely,

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

Hon. Carl J. Butkus (Ret.)
President, NM State Bar Foundation Board

Board of Bar Commissioners Election 2023



State Bar of
New Mexico
Est. 1886

Voting
begins online
Nov. 9

Voting in the 2023 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 district has a contested election. See the candidates' bios and Q & A below.

First Judicial District – Five candidates submitted petitions for two positions. The terms are three years, and the candidates are Nathan Eckberg, Damon J. Hudson, Dylan O'Reilly, Andréa Salazar and Elizabeth J. Travis.

The following districts were not contested:

Third and Sixth Judicial Districts – There was one position in this district for a three-year term and one nomination petition was received from Rosenda Chavez-Lara, so she is elected by acclamation.

Ninth and Tenth Judicial Districts – There was one position in this district for a three-year term and one nomination petition was received from Mitchell L. Mender, so he is elected by acclamation.

First Judicial District



► Nathan Eckberg

Nathan Eckberg is a licensed attorney and program evaluator for the New Mexico Legislative Finance Committee where he has worked for 10 years. Nathan is also a contract liquor license hearing officer for the City of Santa Fe. He is a Santa Fe native and a graduate of Santa Fe Public Schools and UNM before briefly living in Minnesota to attend law school at Hamline University School of Law. For over 20 years, Nathan has frequently traveled to Palomas, Mexico to volunteer at an orphanage. He was recently recognized by the Santa Fe Hispanic Chamber of Commerce with a "40 under 40" award. He is the immediate past Chair of the State Bar's Public Law Section board of directors.

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

Neither "attorney" nor "counsel" are in my job title but my work at the State Capitol is consumed with statutory analysis, legal memo writing, memorandum of understanding drafting, and countless other legal duties. I want to represent nontraditional attorneys who are not necessarily in the legal lime light but who work behind the scenes on public policy issues and issues that affect New Mexicans on a daily basis.

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

Increasingly, attorneys are looking for nontraditional methods of utilizing their law degrees and their licenses to practice law whether it is developing a smartphone app to connect prospective clients to an attorney or developing the next big legal podcast. Lawyers on this nontraditional path need guidance and resources to support them in that journey much like traditional lawyers need resources to navigate life in a law firm.

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

The State Bar seems to be doing a good job fulfilling its mission and objectives but like any self-governing institution the job is never complete and any change in leadership can have a dramatic effect on the quality of governance. I would love to take part in ensuring the State Bar maintains high quality standards and continues to function at a high level.

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 the immediate past-chair of the Public Law Section. As chair, I had the privilege of working with the Section's board of directors to organize CLE sessions for the 2022 State Bar Annual Meeting as a featured breakout track and Public Law Section members were provided a discount to the Annual Meeting as a result of our participation. As a board member, I am

also honored to help choose the annual public lawyer of the year and organize an event to recognize them at the Roundhouse. We also choose and honor an UNMSOL student with public law aspirations to receive a scholarship sponsored in part by the Section.



► **Damon J. Hudson**

I am a proud product of Albuquerque Public Schools, where my parents were educators. After high school, I pursued a BBA at UNM. Subsequently, I ventured to Chicago, Illinois, before returning to UNM for an MPA.

Still unsure of what to do next, I embarked on a quest to discover my true path, leading me to the University of Nebraska-Lincoln for law school. While at UNL, a classmate and I won regionals in the ABA's Client Counseling competition and competed in nationals. After law school, I returned to Santa Fe to be near family. Initially, I worked in a defense firm and later transitioned to a plaintiff's practice, now focusing on medical malpractice and personal injury.

Beyond practice, I cherish moments spent with my wife and dogs. My passions include biking, basketball, hiking, reading, podcasts, and soccer. However, nothing compares to the joy of watching my two-year-old grow up.

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

After having the privilege of serving on the BBC for the past year, I am even more motivated to continue my commitment to our legal community. The opportunity to contribute to the growth of my fellow attorneys has been rewarding and eye-opening as to how the BBC supports and can further support the New Mexico bar. I believe that through a position on the BBC, I can help enhance the value of our bar membership and support the State Bar's ability to support its members effectively.

In the 1st Judicial District, I endeavor to establish an annual event fostering connections between local members and their bar commissioners. This will strengthen relationships within the 1st, fostering greater collegiality within our profession.

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

In this age of advancing technology typified by tools like ChatGPT and artificial intelligence services, the State Bar must support members in leveraging these tools effectively. As AI becomes integral to the legal profession, it's vital to bridge the knowledge gap among attorneys, ensuring they maintain technological competence for efficient client service. Viewing AI as a valuable tool, not a one-size-fits-all solution in legal practice, is crucial.

Establishing an Ad-Hoc Committee on Artificial Intelligence and the Law within the BBC is a solid first step towards tackling these issues. The State Bar should endeavor to educate New Mexico attorneys, preventing our members from being left behind in benefiting from AI advancements. Responsible AI integration will benefit our members and improve our legal community.

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

The State Bar works effectively to benefit our members and the community, but the post-Covid economy necessitates a renewed focus on staff support. Staff morale and retention are paramount to ensuring continuous support for our membership. The efforts of those who work at the State Bar are invaluable. It's crucial that we highly value these individuals and work to compensate them so that the State Bar is competitive with other employers. Many of our membership benefits rely on the exceptional people behind the scenes at the State Bar to make them a reality. Recognizing staff's significance and supporting them adequately is essential to the success of the State Bar in fulfilling its mission and objectives.

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 currently Chair of the New Mexico Young Lawyer's Division, which grants me a seat on the BBC. I am on the Finance, Policy and Bylaws, and Member Services committees within the BBC. On the YLD, I previously chaired the Wills for Heroes and Law Day Call-In programs. I've received recognition for my pro bono service from the Free Legal Answer program over the past three years and am an Access to Justice Commissioner. My involvement in the bar, particularly within the YLD and BBC, has given me valuable insights into how the State Bar serves its members. It also highlights the potential for increased member engagement and support.



► **Dylan O'Reilly**

I am a native New Mexican – born and raised in Ruidoso, I graduated Albuquerque High School and went out of state to Ohio to attend Oberlin College. After graduating, I returned to New Mexico for blue skies and green chile, and ultimately enrolled at UNM School of Law. Upon graduation in 1999, I joined Miller Stratvert's Albuquerque office, and then moved to the Farmington location in 2005. After 10 years in San Juan County, we moved to Santa Fe. My practice has primarily been focused on business matters—but as with any lawyer in smaller New Mexico towns, “business” is defined broadly to include real estate, estate planning, contracts, and related disputes. I love the breadth of practice because I enjoy the process of learning and understanding new concepts and things. I'm a history buff and love to travel (although my garden suffers when I do).

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

My favorite part of practicing law is helping others become better – I primarily practice business law, so that is usually helping organizations, nonprofits and companies, to examine their missions, objectives, and goals, make modifications, and function better. It involves bringing clarity to things that are confusing, and simplicity to complexity. While it is satisfying work, I am most proud of my work when I have advised non-profits and worked to completely re-write the rules for the Board of Bar Examiners. I would like to continue to use these skills in service to the State Bar by serving on 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.

Access to justice must remain a focus. One way to promote this is by helping attorneys efficiently and accurately advise clients. Much of New Mexico needs general affordable legal advice, but increasing complexity and specialization makes it difficult for New Mexico attorneys to be competent and cost-effective generalists. The State Bar can help by developing state law jurisprudence summaries and practice guides to help our attorneys deliver cost-effective and efficient legal services across New Mexico. The State Bar can develop these resources, provide support to its sections to create these items, or collaborate with other organizations such as the Institute of Public Law. Quality updated legal resources for our attorneys protect access to justice, and would be of great benefit to the profession.

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

The State Bar's mission, of being a united and inclusive organization for the profession and public, is challenging given the divergent interests of lawyers within the bar and among the public. Despite these challenges, I believe the State Bar has done an admirable job of serving its mission. Regardless, more can (and must) be done. I would like to see the State Bar provide more support to its sections so that they can become more robust and reliable resources for their members. This could involve paid personnel to assist in creating high-quality CLE programs and substantive practice resources for section members.

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

Member Board of Bar Examiners since January 2021. Appointed 2020 to Supreme Court *ad hoc* committee to identify ways to eliminate district court backlogs created by the pandemic. Board Member of Section of Business Law from 2009 to 2014 (chair 2012); YLD Liaison to Real Property, Probate and Trust Section in 2005. Member Albuquerque Bar Association from 1999 to 2005, San Juan County Bar Association from 2005 to 2015, and First Judicial District Bar Association from 2015 to present. Member of the H. Vearle Payne American Inns of Court (Albuquerque) 2000 to 2005, and member of the Oliver Seth American Inns of Court (Santa Fe) since 2016. Member of the ABA since 1999 and its Sections on Business Law, and Real Property, Probate and Trust.



► **Andreea Salazar**

Andreea Salazar is a native New Mexican, born in Albuquerque and raised in Santa Fe. She attended the University of California, Santa Cruz (B.A. Art) and the University of New Mexico School of Law (J.D. 2011). Currently, Andreea is the General Counsel for the New Mexico Office of the State Auditor. She takes pride in the areas she has practiced such as, criminal and civil litigation, affordable housing, land use, real estate, condemnation, economic development, and procurement. She has been an Assistant City of Santa Fe and Santa Fe County Attorney, an Associate at Cuddy & McCarthy, and a Public Defender in the Second Judicial District. She is committed to being a public servant and giving back to the legal community. She loves hiking and exploring with her husband and dog, reading as many books as she can each year, and taking photographs.

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

I want to participate in fulfilling the Board of Bar Commissioners purpose under Rule 24-101- to promote and support the needs of the members of the State Bar; improve the relations between the public and the legal profession; encourage and assist in the delivery of legal services to those who need them; and foster integrity, competency, intellectual curiosity, and public service in the legal profession.

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

The issue that I think is incredibly important is inclusivity, focusing on this will help reduce lawyer burnout. This begins with accepting a lawyer as a whole person- one who is single, married, divorced, with or without children; one who needs to exercise, get therapy, meditate, stay home with their sick family member, telework, or live in their office; one who does not see themselves represented in the judiciary, courtroom, law firm, or public agency; one who feels like if they show who they are it will make them feel professionally compromised. Inclusivity means allowing individuals in the legal profession to have a life/work balance that nurtures and encourages them to be a multi-faceted individual, not just a lawyer.

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

The State Bar has been working hard to fulfill its mission and objectives through its State Bar Conference, podcasts, committees, and mentorship, but it can always be assisted through new perspectives. I have noticed that the State Bar Conference is an important place to reconnect with colleagues but often the topics do not meet the needs of experienced or public practicing lawyers. This is an area for growth and development. While the podcasts have been reaching a new demographic and are incredibly interesting, they lack the networking and camaraderie that strengthen the profession.

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 committed and active member of the State Bar focusing on mentorship and connectivity. I am a current Board Member and Past-President of the University of New Mexico School of Law Alumni Board, a Past-Chair of the Public Law Board, a member of the New Mexico Black Lawyers Association, and a member of the First Judicial District Bar Association. I have taught seminars, continuing legal education classes, participated in legal panels, presentations at the law school, and training to non-legal professionals. I am a very active member of the legal community and the Santa Fe community.



► **Elizabeth J. Travis**

Elizabeth J. Travis (“Liz” – she/her) is a deputy general counsel with the New Mexico Department of Transportation, Office of General Counsel, who represents the department’s operation and finance organizations, a practice which includes construction, water, rail, procurement and contract law. Ms. Travis graduated from St. John’s College, Santa Fe, earned a Master of Science from USC and her J.D. from the University of the Pacific, McGeorge School of Law. Liz has been practicing law since 2000, first in California and since 2006 in New Mexico. Besides being an active member of state and local bar associations, serving on the State Bar BBC and Supreme Court Disciplinary Committee, Liz is a lecturer and volunteer focused on educating other lawyers concerning ethics and professional responsibility in civil law and governmental client representation contexts.

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

I would be honored to continue my service on the Board of Bar Commissioners (BBC). If re-elected, this will be my 3rd and final term. The BBC is the governing body of the State Bar and has an impressive list of statutory obligations to fulfill, including efforts to improve the administration of justice, promote the legal profession and delivery of legal services, and to assist and support the needs of all of the members of our State Bar. By serving on the BBC, representing constituencies in Los Alamos, Rio Arriba and Santa Fe, I am able to help ensure the varying needs and voices of members in these areas are considered in the development and implementation of the State Bar's strategic plans and programs.

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

Our State Bar is a mandatory bar. I think important issues for the State Bar are matters that impact and benefit both the interests of the legal profession and that support the needs of all the State Bar members. A very large part of the duties of the BBC involve fiscal issues and allocations of attention among programs and initiatives to support this intersection. I personally believe our members should be able to access affordable, quality continuing education relevant to practice areas and personal development. Enhancement of the State Bar's ability to provide such opportunities and services is very important. Relatedly, finding ways to better serve the needs of our members and the public who are located in rural areas is an important issue for the State Bar and Courts.

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

I have been on the BBC during the transition of Supreme Court functions to become State Bar obligations. I think our Bar is very successful in a great number of areas, including the regulatory programs it administers. Part of the mission involves providing services to the public; obligations which are divided between the State Bar and the Bar Foundation. Together, collaboratively, I see improvements to the effectiveness of Bar activities and services, which serve to improve attorney competency and the delivery of legal services to those in need of assistance. I do believe the State Bar is fulfilling its mission and its objectives, thanks to dedicated staff and volunteers.

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

My public service to the State Bar began in 2014 when I was asked to be a "Bridge the Gap" mentor and I still mentor when asked. I have been with the State Bar Ethics Advisory Committee since 2015. I have served two terms on the BBC representing the First Judicial District (2018 -20; 2020-23). As a part of my BBC role, I participate on the BBC Finance, Policy & Bylaws, Member Services (chair), and Bar Leader Recruitment committees. I am also a BBC Director for the State Bar Foundation, the public service and educational arm of the State Bar. I am a multi-term NM Supreme Court Disciplinary Board member and the current Board Secretary. I participate in the Oliver Seth Inn of Court, the First Judicial District Bar Association, and the State Bar Public Law Section. Lastly, I am a member of the ABA, ABA Foundation, Construction Industry Forum and Public Contracts Division.

Thank you for the opportunity.

Elizabeth "Liz" Travis, Incumbent Candidate, BBC 1st Judicial District

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 First Judicial District (Los Alamos, Rio Arriba and Santa Fe counties).

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



2023 University of New Mexico School of Law Swearing-In Ceremony

By Brandon McIntyre

On Oct. 12, 2023, over 200 new attorneys of New Mexico's legal community were sworn in as members of the State Bar of New Mexico; the number of graduates well exceeded both the Spring 2023 Swearing-In and Fall 2022 Swearing-In. The ceremony was attended by many and featured remarks from multiple noted speakers from New Mexico's legal community. Supreme Court Chief Clerk Elizabeth A. Garcia gave the oath of attorneys to the incoming lawyers and legal professionals, which was preceded by remarks from Chief Justice C. Shannon Bacon, who was accompanied by Justice David K. Thomson, and Justice Julie J. Vargas.

"The State Bar has been the uniting and binding organization for attorneys serving the legal profession and the public in New Mexico for over 137 years," State Bar of New Mexico President Benjamin I. Sherman remarked before the new attorneys. "Congratulations on this extraordinary accomplishment. I look forward to meeting you as you start your attorney journey!"

Damon Hudson, Chair of the State Bar of New Mexico's Young Lawyers Division, gave additional remarks to the attorneys. In light of their recent achievements, he urged admittees to consider joining the Young Lawyers Division as part of a broader path in serving the community.



Chief Justice C. Shannon Bacon (center), Justice David K. Thomson, and Justice Julie J. Vargas pictured with State Bar of New Mexico President Benjamin I. Sherman, speaking at the Swearing-In ceremony.



Hon. Henry A. Alaniz (ret.) speaking at the Swearing-In ceremony.



Damon Hudson, Chair of the Young Lawyers Division, speaking at the Swearing-In.



Graduates taking their oaths of attorney at the conclusion of the ceremony.

► Opportunities to Provide



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The New Mexico State Bar Foundation provides legal services programs to **increase access to justice for low-income New Mexicans.**

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*Sign-up
today*

www.sbnm.org/Member-Services/Pro-Bono-Opportunities



New Mexico
State Bar Foundation

The State Bar of New Mexico Senior Lawyers Division is honored to host the annual Attorney In Memoriam Ceremony. This event honors New Mexico attorneys who have passed away during the last year and recognizes their work in the legal community. The Division invites the family, friends and colleagues of those being honored, to attend the 2023 In Memoriam Ceremony.

Save the Date

Tuesday, Nov. 14, 2023 • 5:30 p.m.
State Bar Center

For any questions or comments, please contact Member Services
at memberservices@sbnm.org

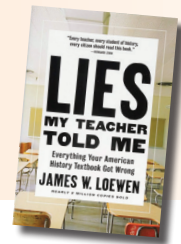


State Bar of New Mexico
Senior Lawyers Division



Please join us for the next Equity in Justice
Book Club pick!

Lies My Teacher Told Me *by James Loewen*



**Conversations facilitated by Dr. Amanda Parker,
Equity in Justice Director of the State Bar of New Mexico
and Torri Jacobus, Statewide Equity, Inclusion, and Justice Director
for the Administrative Office of the Courts**

"American history is longer, larger, more various, more beautiful, and more terrible than anything anyone has ever said about it" —James Baldwin

From Amazon: Since its first publication in 1995, *Lies My Teacher Told Me* has become one of the most important and successful history books of our time. Having sold nearly two million copies, the book also won an American Book Award and the Oliver Cromwell Cox Award for Distinguished Anti-Racist Scholarship and was heralded on the front page of the *New York Times*.

What started out as a survey of the twelve leading American history textbooks has ended up being what the *San Francisco Chronicle* calls "an extremely convincing plea for truth in education." In *Lies My Teacher Told Me*, James W. Loewen brings history alive in all its complexity and ambiguity. Beginning with pre-Columbian history and ranging over characters and events as diverse as Reconstruction, Helen Keller, the first Thanksgiving, the My Lai massacre, 9/11, and the Iraq War, Loewen offers an eye-opening critique of existing textbooks, and a wonderful retelling of American history as it should and could be taught to American students.

When: Bi-Monthly, Tuesdays from 12:00-1:30 p.m.

Dates: November 14, 28, December 12, Holiday Break, January 9, 23, February 6, 20

Sign-up here for the zoom link and updates: <https://form.jotform.com/232906990460057>

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Advance Opinions

From the New Mexico Supreme Court

From the New Mexico Supreme Court

Opinion Number: 2023-NMSC-019
No: S-1-SC-39744 (filed May 22, 2023)

STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
JOE ANDERSON,
Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Emeterio L. Rudolfo, District Judge

Raúl Torrez, Attorney General
Charles J. Gutierrez,
Assistant Attorney General
Santa Fe, NM

for Appellant

Bennett J. Baur, Chief Public Defender
Kimberly M. Chavez Cook,
Appellate Defender
Santa Fe, NM

Fenderson Firm
Keren H. Fenderson
Albuquerque, NM

for Appellee

OPINION

ZAMORA, Justice.

{1} In this opinion concerning pretrial detention, we explain our reasons for issuing an order reversing the district court’s denial of the State’s motion for pretrial detention of Defendant Joe Anderson, charged with first-degree murder pursuant to NMSA 1978, Section 30-2-1(A)(1) (1994). Under this Court’s interpretation of Article II, Section 13 of the New Mexico Constitution, a defendant charged with a felony can be detained without bail prior to trial if the State demonstrates by clear and convincing evidence that (1) the defendant is dangerous and (2) no release conditions will reasonably protect the safety of any individual or the community. See *State v. Mascareno-Haidle*, 2022-NMSC-015, ¶ 27, 514 P.3d 454; Rule 5-409(F)(4) NMRA. In this case, Defendant’s dangerousness is not disputed. At issue is the second prong of the pretrial detention inquiry: whether the State met its burden to prove by clear and convincing evidence that no release conditions could reasonably protect any individual or the community.

{2} The State presented reliable evidence that Defendant had an extensive criminal history that included crimes of violence, failures to appear, violations of probation, new charges while on probation, committing felonies while incarcerated, knowingly possessing a firearm while a felon, and noncompliance with pretrial services requirements. This evidence amply satisfied the State’s burden to prove that no release conditions would reasonably protect the community. We hold that the district court abused its discretion when it denied the State’s motion without properly weighing the required factors under Rule 5-409(F)(6).

I. BACKGROUND

A. State’s Evidence in Support of Pretrial Detention

{3} In support of its motion for pretrial detention, the State tendered documentary exhibits, which included a list of Defendant’s criminal cases printed from New Mexico court records, a public safety assessment (PSA) of Defendant completed by the Second Judicial District Court’s pretrial services division, numerous case details of court actions in Defendant’s previous criminal cases, and criminal complaints filed in two cases. Defendant

did not object to these exhibits. During the hearing, the State also made several proffers, as is permitted in a pretrial detention hearing. See *State ex rel. Torrez v. Whitaker*, 2018-NMSC-005, ¶ 110, 410 P.3d 201.

1. Evidence supporting the current first-degree murder charge

{4} Defendant is charged with first-degree murder over a simple property dispute. According to the criminal complaint, when the victim did not return Defendant’s motorcycle “as promised,” Defendant hunted down the victim and shot him in the street. Defendant is alleged to have had an accomplice on this mission who took possession of the motorcycle as the victim lay dying. Defendant is alleged to have then returned to the crime scene and chatted with police, presenting himself as a concerned citizen and offering the police his phone number.

{5} The evidence linking Defendant to the crime is the following. Police found the victim’s body in the middle of the street in the early morning hours of August 6, 2022. The victim had been shot while driving the motorcycle, one of his legs was burned by the hot exhaust pipe, and gasoline had leaked onto the victim’s body. Police set up a perimeter around the crime scene. A group of four people, two men and two women, approached an officer who was guarding the perimeter and asked the officer about the identity of the victim. One of the men—“very distinctive looking” with a shaved head and tattoos covering his head, neck, hands, and arms—gave the officer his phone number and told the officer to “get ahold of us anytime” with more information about the victim. One of the women in the group, as it later turned out, was the victim’s girlfriend.

{6} The victim’s girlfriend told police that she was with Defendant at the crime scene when the group spoke with the officer and that Defendant was the man who gave the officer his phone number. She stated that her boyfriend, the victim, had borrowed a “Harley-kind” of motorcycle from Defendant. She told police that Defendant lived in an apartment on Vail Avenue, just one street north of the crime scene.

{7} Surveillance video from a parking lot near the crime scene showed a white Ford Expedition SUV pulling in behind the victim as he got on a “Harley-style” motorcycle. The victim looked back at the SUV and fled on the motorcycle out of camera view while the driver and passenger got out of the SUV and ran after the victim. The driver “appear[ed] to be holding an object in his right hand.” Within a minute, the driver returned to camera

view, got into the SUV, and drove away. Meanwhile, the passenger could be seen in another surveillance video attempting to start the motorcycle several times before slowly walking the motorcycle down the street.

{8} Police observed a white Ford Expedition SUV in the parking lot of the apartment complex on Vail Avenue where the victim's girlfriend said that Defendant lived. The SUV had a University of New Mexico license plate, heavy window tint, and "distinctive black rims." Police confirmed through Motor Vehicle Division records and other sources that Defendant was "associated with" several vehicles including motorcycles and a white Ford Expedition SUV.

{9} Lapel camera footage showed that the man who approached the police officer and offered his phone number had the same build and physical characteristics as the man seen in the surveillance video driving the SUV from the parking lot near the crime scene. In both videos, the man was wearing identical clothing, including a baseball shirt, long shorts, and distinctive black and white sneakers.

{10} A confidential source contacted police with information about the details of the crime. The source stated that Defendant "lent [the victim] his motorcycle" and "[the victim] did not return the motorcycle as promised." The source stated that Defendant's girlfriend told Defendant where the victim was, whereupon Defendant and another individual "chased after [the victim]." Defendant shot "[the victim] multiple times in the street," and "the motorcycle was taken away from the area." The confidential source also described Defendant's vehicle as a white Ford Expedition SUV with a University of New Mexico license plate and custom rims and tires, which aligned with the appearance of the vehicle in the surveillance video and the vehicle that police observed in the parking lot of the apartment complex on Vail Avenue.

{11} The manager of the apartment complex on Vail Avenue confirmed that Defendant had recently lived in one of the apartments and that the phone number given to the police officer at the crime scene was Defendant's phone number. However, by the time police spoke to the manager, Defendant and his girlfriend had moved out of the apartment, and the manager did not know where they had gone.

2. Defendant's criminal history

{12} Defendant's criminal history reflects near constant involvement in the criminal justice system over nineteen years. The State presented evidence of this criminal history in the form of printouts of publicly available court records detailing the actions taken in each of Defendant's cases.

{13} Defendant's criminal history began

in 2003 when Defendant pleaded no contest to aggravated battery on a household member, child abuse, and resisting or evading an officer in case number D-202-CR-2003-00024. Defendant successfully completed probation in that case in September 2006.

{14} In February 2007, Defendant was indicted on four felonies in case number D-202-CR-2007-00643: receiving or transferring a stolen motor vehicle; possessing a controlled substance; conspiring to commit receiving or transferring a stolen motor vehicle; and tampering with evidence. Defendant failed to appear twice in that case, first to a pretrial proceeding and then to the trial itself. After Defendant failed to appear at the trial, a bench warrant was issued and was outstanding for nearly one month before Defendant turned himself in. Despite Defendant's failures to appear, the district court accepted a plea to a conditional discharge on March 10, 2009, and ordered Defendant to complete twelve months of supervised probation. Just three months later, the State filed a motion to revoke probation. A bench warrant was issued and was outstanding for twenty days before Defendant was arrested. At a probation violation hearing on July 1, 2009, Defendant admitted to violating probation. The district court found a probation violation and then reinstated his probation.

{15} While Defendant was on probation in case number D-202-CR-2007-00643, he was charged on June 18, 2009, with armed robbery in a different county, in case number D-1329-CR-2009-00289. Despite his pending armed robbery charge, the district court in case number D-202-CR-2007-00643 granted Defendant's conditional discharge on March 26, 2010. The State voluntarily dismissed the armed robbery charge approximately three months later on June 18, 2010.

{16} Five months later, Defendant shot and killed a man. *See State v. Anderson*, A-1-CA-35876, mem. op. ¶¶ 2, 8 (N.M. Ct. App. June 17, 2019) (nonprecedential). For that incident, Defendant was indicted for first-degree murder, voluntary manslaughter, kidnapping, tampering with evidence, conspiracy to tamper with evidence, aggravated battery with a deadly weapon, and false imprisonment in case number D-202-CR-2010-05929. The district court placed Defendant on a no bond hold, denying him the possibility of release on bail. Less than a year later, Defendant filed a motion to review conditions of release, after which the district court set Defendant's bail at \$1,000,000 cash or surety. Defendant did not make bail. At trial, the jury convicted Defendant of second-degree murder, and Defendant was sentenced to sixteen years in prison.

{17} On appeal, Defendant was granted a new trial. *See State v. Anderson*, 2016-NMCA-007, ¶ 1, 364 P.3d 306. During the pendency of that appeal, Defendant pleaded guilty to two new felonies that he committed while in prison: conspiracy to commit narcotics trafficking and conspiracy to commit distribution of a nonnarcotic controlled substance, in case number D-506-CR-2014-00375.

{18} At Defendant's new trial on the murder charge, a new jury convicted Defendant of voluntary manslaughter and a firearm enhancement. The district court sentenced Defendant to seven years in prison. Defendant was released in 2019.

3. Concurrent felony charges

{19} At the time of the pretrial detention hearing in this case, Defendant also stood charged with four additional felonies in a separate case, D-202-CR-2022-01951. That case arose from Defendant's arrest on August 18, 2022, twelve days after the homicide at issue in this case, for an incident that occurred in the parking lot of the Vail Avenue apartments where Defendant lived. In that incident, police observed Defendant in a stolen, gold Chevy Tahoe. When police approached Defendant, he admitted that he had a gun. He further admitted that he knew he was a felon and was not permitted to have a gun but explained that he needed the gun for protection. Upon his arrest, Defendant was found in possession of fentanyl pills and methamphetamine.

{20} In that case, Defendant's four charged felonies were possession of a firearm by a felon, receiving or transferring a stolen motor vehicle, and two counts of possession of a controlled substance. The State filed a motion for pretrial detention in that case on August 22, 2022, approximately four months before the murder charge was brought in the instant case. On August 29, 2022, the district court denied the motion and, on September 6, 2022, set release conditions that included requirements for Defendant to be supervised by pretrial services and to submit to random urinalysis upon the request of pretrial services.

4. Noncompliance with pretrial services supervision

{21} At the January 10, 2023, detention hearing in this case, the district court inquired about Defendant's compliance with pretrial services supervision in the concurrent, pending case, D-202-CR-2022-01951. The pretrial services officer responsible for supervising Defendant in that case informed the court that Defendant forgot to check in with the officer every week and that the officer had to call to remind Defendant of his responsibilities. Despite these reminders, the officer recounted that Defendant failed to report to pretrial

services for two weeks in a row. As a consequence of Defendant's failure to report, the officer had requested a bench warrant for noncompliance with pretrial services. That warrant was canceled as a result of Defendant's arrest on the first-degree murder charge in this case.

{22} Additionally, the pretrial services officer in the concurrent, pending case informed the court that, for approximately the last three months, Defendant had not called pretrial services for random urinalysis as required.

5. Other evidence

{23} The State offered additional reasons that no conditions of release could reasonably protect public safety. The State entered into evidence the results of a public safety assessment that flagged Defendant as a person who is at risk of committing new violent crimes if released pretrial. The PSA scored Defendant five-out-of-six for risk of new criminal activity and recommended that if Defendant were to be released, he be released at the highest level of supervision.¹

{24} The prosecutor proffered that Defendant's girlfriend—with whom Defendant had lived and who is a witness in this case—owned a firearm and that “pretrial services does not perform home visits” and could not ensure that Defendant would not have access to that firearm. The prosecutor also proffered that Defendant did not have a current known residence.

B. Defendant's Evidence in Favor of Release

{25} Defendant called an alibi witness, James Murray, who testified that he was with Defendant and Defendant's girlfriend at their apartment complex on the night of the shooting. He testified that they heard gunshots in the neighborhood and remained in their apartment complex until Defendant went to the store twenty-five or thirty minutes later, “to get some milk for the formula for the baby.”

{26} On cross-examination, Mr. Murray admitted that he was part of the group of four people who approached the crime scene and spoke to the officer. He identified the members of the group as “me, [Defendant] and his wife, and the pregnant girl.” The prosecutor did not inquire into whether Mr. Murray knew “the pregnant girl,” who presumably was the victim's girlfriend as stated in the criminal complaint. The prosecutor also did not inquire into the circumstances behind this group's decision to gather and go to the crime scene; nor did she ask about the timeline of Defendant's alleged trip to the store for milk in relation to the group's trip to the crime scene. Instead, the prosecutor focused her cross-examination on whether Mr. Murray

provided false contact information to the officer at the scene, which he denied.

{27} The defense then played the surveillance video. The district court asked whether the lapel camera video was also available; the prosecutor stated that it was available, but “it isn't my turn yet.” The district court did not request that the prosecutor play the video but instead invited the defense to make its argument. The lapel camera video was not played at any time during the hearing.

C. The District Court's Ruling

{28} Before announcing its ruling, the district court inquired about the timeline of the prosecution. The prosecutor informed the court that although the homicide occurred in August, the confidential source did not come forward until October. The court noted that the complaint was not filed until December. The district court then shared its thoughts about the evidence:

The troubling things I guess are—and it's kind of hard not to want to consider, and we should consider, the past history and that conviction—the jury found him guilty of, what was it, voluntary manslaughter? And in this instance, I think when you read the complaint, and you see ‘distinct shoes’ and ‘distinct tattoos’ that were corroborated by the video, it just seems like a big stretch in saying that the video shows any of that. The socks and shorts, and not my style personally, but we saw that the guy on the motorcycle is wearing long shorts and long socks. That in certain neighborhoods and in certain groups is not uncommon to see. It is not a distinct look. It's a pretty common look, to be wearing the long shorts, especially in August.

And then, we don't know what happened off video. We don't know if the shooter, if the evidence, I mean if it turns out that [Defendant] was in fact the person in that vehicle, chasing after someone for a stolen motorcycle, what happens off camera? Does the other person who's fleeing with the stolen motorcycle pull out a firearm, pull out a weapon? And is there anything else in, um. I mean, I guess my point is that the evidence on first glance in reading the complaint seems really, really strong for the State. And then after seeing that vid-

eoclip—more so the videoclip than Mr. Murray's testimony—it isn't as clear as I felt that it would be based on the complaint. But that's one factor, I guess, is the weight of the evidence.

The other thing that I feel is the State, or the police, the government, viewed him as such a threat, having this information since October and then not acting until December, I don't know. To me that, and nothing, and thank goodness that there's no other offenses or anything. But nothing having occurred or no other violations of the orders on the other case kind of, and in light of the pretrial services [PSA], kind of makes me lean towards releasing [Defendant].

{29} The district court found that the State's evidence was reliable and that Defendant would likely pose a threat to the safety of others if released pending trial. However, the district court stated that “the big question” was whether any conditions of release could reasonably protect the public. The district court stated that while it had concerns about Defendant's “criminal history and the fact that a gun is alleged to have been used in this case,” it “didn't see anything [indicating] that a gun was found or [Defendant] had a gun in his possession or warrants were executed and firearms were found.”

{30} In response, the State clarified that while no firearms were found on the victim, warrants had been executed and a firearm belonging to Defendant's girlfriend had been found. The State also noted that Defendant had been found in possession of a firearm and that Defendant admitted to having a firearm in his concurrent, pending case, D-202-CR-2022-01951, the events of which took place after the alleged murder in this case.

{31} Without providing any further rationale, the district court denied the State's motion for pretrial detention and placed Defendant on the same conditions of release that had been imposed in his concurrent case, with the addition of a GPS ankle monitor.

{32} In its written order, the district court repeated its initial findings that the State's evidence was reliable and that Defendant was dangerous. However, it found “that any danger [Defendant] may pose on the community can be mitigated because of [Defendant's] performance on probation in the past as well as his performance on pretrial services in the pending cause

¹ The PSA is only a tool to assess the level of supervision if there is a release. It is not a guide or mandate for a judge to in fact release a defendant.

number D-202-CR-2022-01951 where there have been no allegations of violations of conditions of release.” Specifically, the district court found that “[t]he history and characteristics of [Defendant] indicate that there are conditions of release that can mitigate the danger he may pose to the community” because he “successfully [completed] probation in both causes D-202-CR-2003-00024 and D-202-CR-2007-00643.” “Furthermore,” the court found, “[Defendant] is currently on pretrial services in cause number D-202-CR-2022-01951 where there have been no allegations of violations of conditions of release.”

D. The State’s Appeal

{33} The State appealed to this Court pursuant to Rule 12-204 NMRA, arguing that the district court abused its discretion when it held that the State failed to prove that no conditions of release could reasonably protect the safety of any individual or the community. We ordered a response from Defendant. After considering the written submissions, we issued an order reversing the district court and remanding Defendant into custody. We now write to explain our reasoning for reversing the district court and ordering Defendant’s pretrial detention.

II. DISCUSSION

A. Standard of Review

{34} This Court may reverse a district court’s ruling on pretrial detention if the ruling “is arbitrary, capricious, or reflects an abuse of discretion; . . . is not supported by substantial evidence; or . . . is otherwise not in accordance with law.” Rule 12-204(D)(2)(b). “[A] decision is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in light of the whole record.” *State v. Groves*, 2018-NMSC-006, ¶ 25, 410 P.3d 193 (internal quotation marks and citation omitted). “An abuse of discretion occurs when the court exceeds the bounds of reason, all the circumstances before it being considered.” *State v. Brown*, 2014-NMSC-038, ¶ 43, 338 P.3d 1276 (internal quotation marks and citation omitted). “Substantial evidence is such relevant evidence that a reasonable mind would find adequate to support a conclusion.” *Groves*, 2018-NMSC-006, ¶ 25 (internal quotation marks and citation omitted).

B. Rule 5-409 Provides the Mandatory Analytical Framework for Preventive Detention Determinations

{35} Rule 5-409(F)(6) states plainly that the district court “shall consider *any fact* relevant to the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release and any fact relevant to the issue of whether any conditions of release will rea-

sonably protect the safety of any person or the community.” (Emphasis added.) Rule 5-409(F)(6) then sets forth a nonexhaustive list of factors that the district court must consider, at a minimum, in making its determination:

- (a) the nature and circumstances of the offense charged, including whether the offense is a crime of violence;
- (b) the weight of the evidence against the defendant;
- (c) the history and characteristics of the defendant;
- (d) the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release;
- (e) any facts tending to indicate that the defendant may or may not commit new crimes if released;
- (f) whether the defendant has been ordered detained under Article II, Section 13 of the New Mexico Constitution based on a finding of dangerousness in another pending case or was ordered detained based on a finding of dangerousness in any prior case; and
- (g) any available results of a pretrial risk assessment instrument approved by the Supreme Court for use in the jurisdiction, provided that the court shall not defer to the recommendation in the instrument but shall make an independent determination of dangerousness and community safety based on all information available at the hearing.

Id.

{36} As we have repeatedly emphasized, no single factor is dispositive; instead, the district court must consider the totality of the circumstances in reaching a decision on pretrial detention. *See, e.g., Mascareno-Haidle*, 2022-NMSC-015, ¶ 36 (“[C]ontrolling precedent from this Court . . . makes clear that pretrial detention or release decisions cannot be made to turn on any single factor, be it the nature and circumstances of the charged offense(s) or otherwise.”); *see also Groves*, 2018-NMSC-006, ¶ 34 (examining “the totality of Defendant’s conduct”). “A detention-hearing court must take into account both the personal rights of the accused and the broader public interest as it makes a pretrial detention decision.” *Torrez*, 2018-NMSC-005, ¶ 96. Because this delicate balancing necessarily requires an individualized risk assessment, the district court must take care to explain its reasoning, in writing, as to how each factor applies to the specific facts of the case. *See State v.*

Ferry, 2018-NMSC-004, ¶ 7, 409 P.3d 918 (“[D]istrict court judges are required to file written findings of the individualized facts justifying the detention of the defendant or the denial of the detention motion.”).

{37} In this case, the district court applied the wrong test: it did not apply the Rule 5-409 factors but instead analyzed the case through the lens of *Groves*, which described three general “categories of determinations” that the district court must make at a detention hearing. *Groves*, 2018-NMSC-006, ¶ 29 (affirming categories set forth in *Torrez*, 2018-NMSC-005, ¶¶ 99-102). Those general categories can be summarized as evidentiary reliability, the defendant’s dangerousness, and whether release conditions can reasonably protect the community. *Id.* While it remains true that district courts rule on those issues at every detention hearing, *Groves* described the state of the law prior to the enactment of Rule 5-409. *See Groves*, 2018-NMSC-006, ¶ 27 (“The proceedings below occurred . . . before promulgation of our procedural rules governing application of the broad constitutional language, in particular new Rule 5-409 NMRA, governing detention proceedings in district court.”); *see also id.* ¶¶ 30, 32, 35, 40 (applying Rule 5-401 NMRA rather than Rule 5-409 to the facts of that case). In the pretrial detention cases that were decided immediately following the 2016 constitutional amendment but before Rule 5-409 was enacted in 2017, our courts “were necessarily working with broad constitutional concepts and without the more detailed procedural guidance that would be provided by our subsequent bail rule amendments.” *Torrez*, 2018-NMSC-005, ¶ 73. District courts must now comply with the requirements of Rule 5-409 rather than simply applying the broad constitutional language of *Groves* and *Torrez*.

{38} Therefore, a district court must now make specific factual findings on the Rule 5-409 factors and on any other fact that it has considered when arriving at its decision on release or detention. Here, the district court listed generalized Rule 5-409 factors in its written order but failed to apply them to specific, individualized facts of the case. The district court’s failure to give these factors case-specific consideration is contrary to law and grounds for reversal under Rule 12-204(D)(2)(b)(iii). However, we will not disturb the decision of a district court if it was right for another reason. *State v. Gallegos*, 2007-NMSC-007, ¶ 26, 141 N.M. 185, 152 P.3d 828. In this case, the district court’s ultimate conclusion was incorrect. As we explain, a proper application of Rule 5-409 factors to this case demonstrates that no release conditions could reasonably protect the public from Defendant.

C. The District Court Abused Its Discretion When It Failed to Conclude That No Release Conditions Can Reasonably Protect the Public

{39} Although Rule 12-204 sets forth a stringent standard for reversal, this case meets that standard in all three respects. *See* Rule 12-204(D)(2)(b) (permitting reversal of a district court ruling that is an abuse of discretion, unsupported by substantial evidence, or otherwise not in accordance with law).

{40} In this case, as discussed above, the district court did not apply the correct analytical framework of Rule 5-409 and did not make individualized findings as to each factor in Rule 5-409(F)(6). That error rendered the ruling not in accordance with law. Additionally, the district court's ruling was not based on substantial evidence because, contrary to the district court's findings, Defendant did not in fact comply with release supervision in the cases cited by the district court. Finally, Defendant's extensive criminal history, along with the pending charges and facts, establish that it was beyond reason—and therefore an abuse of discretion—to conclude that release conditions could reasonably protect the public from Defendant's dangerous behavior.

1. The district court's ruling was not based on substantial evidence

{41} The district court's ruling was explicitly based on Defendant's compliance with release supervision in three other cases: D-202-CR-2003-00024, a domestic violence and child abuse case from 2003; D-202-CR-2007-00643, a drug case from 2007; and D-202-CR-2022-01951, the concurrent, pending, felon-in-possession case. The evidence, however, shows that Defendant did not comply with release supervision in each of those cases. Therefore, the district court's ruling was not supported by substantial evidence. While it is true that Defendant successfully completed probation in the first case, ultimately received a conditional discharge in the second case, and was not formally adjudicated as violating conditions of release in the third case, the district court failed to consider evidence before it that Defendant had been noncompliant during the pendency of his release supervision in those cases. That evidence is the following.

{42} The record in D-202-CR-2007-00643 reflects that Defendant twice failed to appear in court, including at his own trial. After he failed to appear at trial, Defendant remained at large with an outstanding bench warrant for several weeks. These failures to appear and the bench warrant do not provide evidence of compliance with release supervision.

{43} The record in that case also reflects

that after pleading guilty, Defendant violated probation. A bench warrant was issued that remained outstanding for several more weeks. Defendant admitted to the violation, and his probation was revoked and then reinstated. That probation violation, warrant, and probation revocation do not support a finding of compliance with release supervision.

{44} Further, the district court heard direct testimony from the pretrial services officer supervising Defendant's release in the concurrent, pending case, D-202-CR-2022-01951, that Defendant was failing to report to pretrial services and that the officer had requested a bench warrant for that failure. The district court also heard direct testimony from the pretrial services officer that Defendant, three months earlier, had entirely ceased calling in to pretrial services for random urinalysis as was required under his conditions of release. This evidence of noncompliance does not support finding compliance with release supervision.

{45} Therefore, the district court's ruling that Defendant was compliant in these three cases was not based on substantial evidence. Moreover, the district court's reliance on Defendant's release supervision in those three isolated cases was a thin reed on which to rest its decision in light of the myriad other considerations called for in Rule 5-409, which we discuss below.

2. The district court abused its discretion when it concluded that there were release conditions that could reasonably protect the safety of the public from Defendant

{46} In this case, ample evidence showed that Defendant was unlikely to comply with release conditions and that the public would be put at significant risk should he fail to comply with release conditions.

{47} The nature and circumstances of the crime were extremely violent. *See* Rule 5-409(F)(6)(a). Defendant stands accused in this case of first-degree murder, assisted by an accomplice, in response to a simple property dispute. The murder was carried out in the middle of a neighborhood street, and the motorcycle was taken from the dying victim. Defendant then allegedly went to the crime scene with the victim's pregnant girlfriend shortly after the murder in an attempt to construct an alibi.

{48} The weight of the evidence against Defendant is heavy. *See* Rule 5-409(F)(6)(b). Surveillance video, information provided by the confidential source, and statements from the victim's girlfriend all indicate Defendant's connection to the murder. Police investigation corroborated important details, such as Defendant's address, phone number, and ownership of vehicles.

{49} Defendant's history and characteris-

tics strongly indicate that no release conditions will reasonably protect the public. *See* Rule 5-409(F)(6)(c). His history consists of nearly two decades of criminal behavior, including crimes of violence—beginning with violence against household members, including children, in 2003—that escalated to homicide by 2010. And Defendant's history is replete with failures to comply with official directives. As discussed herein, Defendant has a history of failures to appear, bench warrants, and probation violations. Defendant also has a history of overlapping cases. He picked up new felony convictions in 2008 while in prison for homicide, and acquired a new felony charge while on probation in 2009. He also recently admitted to being a felon in possession of a firearm in knowing violation of the law.

{50} Defendant poses a serious danger to others if released because he stands accused of a crime that potentially carries a life sentence and because his case depends in large part on the testimony of witnesses. *See* Rule 5-409(F)(6)(d). Defendant has physically harmed others before and has even killed. As the State pointed out in the detention hearing, the allegations in the instant case indicate Defendant's willingness to retaliate with violence against others over a mere property dispute. From these facts, it is reasonable to infer that witnesses against Defendant could also be in danger of Defendant's retaliatory violence.

{51} Facts that indicate Defendant may commit new crimes if released include his history of picking up new charges while on probation and in prison, his long history of near continual contact with the criminal justice system, and the fact that the incidents underlying his two pending cases happened only weeks apart. *See* Rule 5-409(F)(6)(e). Moreover, the PSA flagged Defendant as a risk for committing new violent crimes if released pretrial. *See* Rule 5-409(F)(6)(g).

{52} Finally, although Defendant has not been ordered detained in another pending case based on a finding of dangerousness, *see* Rule 5-409(F)(6)(f) he was detained pretrial without bond for nearly a year in his previous homicide case, then was held on a \$1,000,000 bond for the remainder of the pretrial period. That pretrial detention was almost certainly intended to be preventative detention, although it took place prior to the amendment to Article II, Section 13 that allowed for pretrial detention upon a finding of dangerousness.²

{53} The totality of these circumstances indicates that Defendant has an extensive and undeniable history of violence, non-compliance, and continual law and rule breaking. "We agree with the United States Supreme Court that under our American system of justice 'liberty is the norm, and

detention prior to trial or without trial is the carefully limited exception.” *Groves*, 2018-NMSC-006, ¶ 44 (quoting *United States v. Salerno*, 481 U.S. 739, 755 (1987)). However, “in this case and on this record . . . this defendant has earned a place in that carefully limited exception, not as punishment for [his] past acts but to protect others from [his] predictable future dangerousness.” *Id.*

D. District Courts Must Consider All of the Rule 5-409 Factors, Including a Defendant’s Patterns of Compliance and the Possible Consequences of Noncompliance, When Analyzing the Release-Conditions Prong of the Pretrial Detention Inquiry

{54} The errors in this case demonstrate a need for additional guidance from this Court on the proper application of the Rule 5-409 factors to the second prong of the detention analysis. Our existing precedent on pretrial detention largely focuses on the first prong, dangerousness, rather than the second, release conditions. We take this opportunity to clarify the analysis to be used when district courts rule on this second prong.

{55} As a threshold matter, we note that all of the Rule 5-409 factors expressly apply to both prongs of the detention analysis. All factors are relevant to both prongs because a defendant’s dangerousness is not an entirely separate consideration from whether release conditions can reasonably protect the safety of the public; rather, the nature of the defendant’s dangerousness informs whether the public can be kept reasonably safe from that danger by the imposition of release conditions. Thus, if a district court applies the Rule 5-409 factors and determines that a defendant is dangerous, it should not cordon off those facts that it considered in the dangerousness analysis and limit itself solely to the evidence that it did not yet consider in order to rule on release conditions.

{56} Instead, in considering the release-conditions prong of the detention analysis, like in the initial dangerousness analysis, the district court should take a holistic, commonsense approach. This second prong of the pretrial detention analysis, like the first prong of dangerousness, must be proven by clear and convincing evidence. Rule 5-409(A), (F)(4), (G), (H). However, the State must only prove that no

release conditions can *reasonably* protect the public, not that no release conditions can *possibly* protect the public. See *Groves*, 2018-NMSC-006, ¶ 37 (“The determination whether available release conditions would *reasonably protect* others does not require scientific accuracy any more than any other prediction of future human behavior. The key word is *reasonably*, which requires the exercise of reasoned judgment.”); see also *Torrez*, 2018-NMSC-005, ¶ 103 (“[T]he New Mexico Constitution, applicable court rules, and judicial precedents here and elsewhere all refer to the need for reasonableness in pretrial release and detention decisions.”).

{57} Certainly, the district court must consider patterns in a defendant’s past behavior. “Both law and behavioral science recognize that in anticipating human behavior, one of the predictive tools is the consideration of one’s character traits based on patterns of past conduct.” *Torrez*, 2018-NMSC-005, ¶ 101 (text only)³ (citation omitted). Thus, we have recognized that if “a defendant has engaged in dangerous behavior while on supervised release or has refused to follow court-ordered conditions of release in the past,” *Torrez*, 2018-NMSC-005, ¶ 102, the district court may reasonably infer that the defendant will be unlikely to abide by release conditions in the future. Similarly, we have stated that a defendant’s past “pattern of refusal to comply with directions of the courts [or] of police,” *Groves*, 2018-NMSC-006, ¶ 38, can indicate that the defendant likely will not comply with release conditions. That is, if a defendant has a pattern of disregarding official directives, it is certainly reasonable to infer that the defendant is unlikely to comply with any conditions of release that the district court could impose in the future.

{58} But a defendant’s disregard for official directives is not the only concern in the second prong of the detention analysis. The central concern of the second prong is public safety: whether “release conditions will reasonably protect the safety of any other person or the community.” Rule 5-409(F)(4). Thus, the district court must consider not only whether a defendant is likely to comply with release conditions but also the likely consequences to any person or the community should a defendant fail to comply.

{59} That additional inquiry is related to, and must be viewed in light of, the magnitude of a defendant’s dangerousness. For example, a defendant with a history

of violent crimes who stands accused of a new violent crime may pose a significant and unjustifiable risk to the safety of any person or the community if the defendant fails to comply with release conditions. See, e.g., *Torrez*, 2018-NMSC-005, ¶¶ 15, 20 (noting that the defendant was charged with shooting his girlfriend in the abdomen, and reciting the prosecution’s proffer of the defendant’s history of prior violent crimes). In contrast, a defendant who is accused of a string of property crimes may not pose the same level of risk to community safety in the event of noncompliance even though that defendant may have been found to be dangerous due to the repeated pattern of criminality. See, e.g., *Mascareno-Haidle*, 2022-NMSC-015, ¶¶ 17, 33 (holding that the defendant’s alleged pattern of burglaries, without more, did not show that no release conditions could reasonably protect the community). And the risk to public safety posed by a particular defendant may be somewhere in between, which is why the district court must evaluate each case on its particular facts and consider the totality of the circumstances. {60} To be clear, this is not to say that the district court may rely solely on the charged offense to order a defendant’s detention. The district court cannot do so. See *Brown*, 2014-NMSC-038, ¶ 51. Instead, the district court must consider all facts relevant to the detention inquiry, including each of the factors listed in Rule 5-409(F)(6), as they apply to each prong. See *Mascareno-Haidle*, 2022-NMSC-015, ¶ 39 (“Rule 5-409[] . . . require[s] a detention court to engage in a delicate case-by-case balancing of *all* relevant factors.”). We emphasize that the district court must always conduct a totality of the circumstances analysis in reaching a decision on pretrial detention, as set forth in our case law and Rule 5-409(F)(6).

III. CONCLUSION

{61} For the foregoing reasons, we hold that the district court abused its discretion when it denied the State’s motion for pretrial detention. Accordingly, we reverse.

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

**BRIANA H. ZAMORA, Justice
WE CONCUR:**

**C. SHANNON BACON, Chief Justice
MICHAEL E. VIGIL, Justice
DAVID K. THOMSON, Justice
JULIE J. VARGAS, Justice**

² Under the pretrial release and detention framework in existence at that time, district courts routinely set bail at an amount that the defendant likely could not pay so that the defendant would be effectively detained pretrial. See *Torrez*, 2018-NMSC-005, ¶ 105 (“It is common knowledge among judges and others who have worked in our courts that in the vast majority of cases imposition of high-dollar bonds . . . is an effort to deny defendants the opportunity . . . [for] pretrial release.”). Thus, we note that when the district court set Defendant’s bail at \$1,000,000 in 2011, it likely did so with the intention to deny Defendant the possibility of pretrial release.

³ The “(text only)” parenthetical indicates the omission of nonessential punctuation marks—including internal quotation marks, ellipses, and brackets—that are present in the text of the quoted source, leaving the quoted text otherwise unchanged.

Advance Opinions

From the New Mexico Supreme Court

From the New Mexico Supreme Court

Opinion Number: 2023-NMSC-020
No: S-1-SC-39140 (filed July 24, 2023)

EVELYN NGUYEN,
Petitioner-Respondent,
v.
KHIEM BUI,
Respondent-Petitioner.

ORIGINAL PROCEEDING ON CERTIORARI

Debra Ramirez, District Judge

Mark Keller Law Office
Terri Keller
Albuquerque, NM

for Respondent-Petitioner

New Mexico Legal Aid, Inc.
Lucrecia R. Jaramillo
Jennifer Kletter
Albuquerque, NM

for Petitioner-Respondent

OPINION

THOMSON, Justice.

{1} We consider whether a hearing officer improperly denied a petition for an order of protection under the Family Violence Protection Act (FVPA), NMSA 1978, §§ 40-13-1 to -13 (1987, as amended through 2019), by requiring the petitioner to show she was in imminent danger of harm by the respondent, whom she alleged sexually assaulted her as a child. We affirm the Court of Appeals' memorandum opinion reversing the district court. We hold that the plain language of the FVPA does not require petitioners to provide a showing of imminent danger or injury in seeking an order of protection.

I. BACKGROUND

A. Orders of Protection Under the FVPA

{2} The FVPA allows victims of domestic abuse to petition the court for protective orders against their alleged abusers. Section 40-13-3(A). Domestic abuse, as relevant to this case, is "stalking or sexual assault whether committed by a household member or not." Section 40-13-2(D)(1). A victim of domestic abuse may obtain emergency protection from an alleged

abuser through a temporary ex parte order by two processes. See §§ 40-13-3.2, -4. One process allows a law enforcement officer who has responded to a domestic violence incident to file a sworn written statement with the district court setting forth the victim's need for an ex parte emergency order of protection. Section 40-13-3.2(A). If "the court finds reasonable grounds to believe that the alleged victim or the alleged victim's child is in immediate danger of domestic abuse," it may grant an emergency order of protection. *Id.* This emergency order expires within seventy-two hours or by "the end of the next judicial day," which provides the alleged victim time to seek a protective order. Section 40-13-3.2(E), (G).

{3} Alternatively, a victim may file a petition for a domestic violence protection order directly. Section 40-13-4 (A)(1). In that event, "the court shall . . . immediately grant an ex parte temporary order of protection" if the specific facts shown by the petition give rise to "probable cause . . . that an act of domestic abuse has occurred." *Id.*

{4} Subsequent to the filing of a petition or a statement by a law enforcement officer and any ex parte relief granted by the court, the merits of the petition or statement are considered on an expedited basis. The

court must hold a hearing, addressing whether the temporary order should be continued, within ten days after granting the temporary order of protection under Section 40-13-4(A)(3) or within seventy-two hours or by "the end of the next judicial day" after granting the emergency order of protection under Section 40-13-3.2(E), (G). If that hearing culminates in a "finding that domestic abuse has occurred or upon stipulation of the parties, the court shall enter an order of protection." Section 40-13-5(A) (emphasis added). With this framework in mind, we turn to the facts of this case.

B. Facts and Procedural History

{5} On February 4, 2021, eighteen-year-old Evelyn Nguyen (Petitioner) filed a Petition for Order of Protection from Domestic Abuse (Petition) under Section 40-13-3(A) alleging she was a victim of sexual assaults by Khiem Bui (Respondent) while she was a minor.¹ Based on the Petition, the district court found probable cause to believe that an act of domestic abuse had occurred, and it issued a temporary order of protection under Section 40-13-4. At the first hearing to determine whether the temporary order should be made permanent, Respondent verbally moved to dismiss the Petition. He argued that the Petition failed to show the order was necessary to prevent imminent harm to Petitioner. Respondent argued that Petitioner was not entitled to a permanent order because Petitioner did not allege that she was presently afraid of further abuse by Respondent. In support, he cited the time lapse between the alleged abuse and the filing, as well as Petitioner's exhibits showing that Respondent had not contacted Petitioner in almost two years and that his last contact with her was not of a threatening nature.

{6} The hearing officer ultimately denied the motion to dismiss, concluding that Petitioner's status as a minor at the time of the alleged abuse meant that she was not able to file the Petition on her own until the age of eighteen. He concluded, however, that Petitioner would need to demonstrate that Respondent posed ongoing and present danger, stating "I do agree with [Respondent's counsel] and her argument that [Petitioner] must demonstrate a need for the order of protection now, this being a few years after the alleged abuse."

{7} A hearing on the merits began with Petitioner testifying that she met Respondent in 2016, when she was about twelve years old and he was twenty. Over the

¹ Though Mr. Bui petitioned for certiorari, we use "Petitioner" to refer to Ms. Nguyen as the individual who filed the petition for order of protection and "Respondent" to refer to Mr. Bui as the individual responding to the petition for the order of protection.

course of the next two years, Respondent coerced her into a “sexual relationship” with him by paying special attention to her and telling her that no one else would love her if she did not have sex with him. On one occasion, when Respondent and Petitioner were both spending the night at the home of Petitioner’s grandmother, Respondent entered Petitioner’s bedroom and kissed, groped, and raped her. At other times, Respondent would sneak into the grandmother’s home to “have sex” with Petitioner if she was staying there. She testified he raped her an “uncountable” number of times at her home, in his car, and at a church retreat. Petitioner alleges that he proposed to her when she was fourteen years old and emotionally manipulated her by “breaking up with her and cutting off contact to force [her] to feel sad and to come back to him.” Petitioner, in her own words, “removed [her]self from the situation” in the fall of 2018 and blocked Respondent on all social media accounts. The last time Petitioner saw Respondent was at church on December 24, 2019, but the two did not speak. Immediately after church, Respondent sent Petitioner a message on her new Instagram account, but the conversation was short, and Petitioner made clear that she did not want to speak to him anymore.

{8} Petitioner told her parents about the alleged abuse in August 2020 and began therapy. Petitioner filed the Petition in February 2021 after turning eighteen. Petitioner wrote therein that she had been afraid to tell anyone about the alleged abuse because Respondent threatened her and that she was “afraid of retaliation.” She added, “[Respondent] told [her] that no one else would ever love [her],” and she was “really afraid of [Respondent].”

{9} When questioned about the timing of the Petition, Petitioner explained that she was diagnosed with post-traumatic stress disorder (PTSD) due to the trauma associated with the alleged sexual assaults, and her therapist suggested that the domestic violence order of protection would help her PTSD symptoms because she would not have to worry about seeing Respondent anymore. She testified that her PTSD and her fear of even seeing him has affected her everyday life, including in her workplace. In addition, she waited to file the Petition until she turned eighteen

to be able to do it on her own.

{10} The hearing officer found that Respondent had not contacted Petitioner in the last fourteen months and that any contact that did occur was innocuous. He stated on the record, “not to minimize what happened in the past, and I’m not doing that, but . . . I don’t see . . . the immediacy of the need for an order of protection.” Then, in contrast to his dismissal, the hearing officer warned Respondent to stay away from Petitioner or “she can file another petition and we can start over.” Accordingly, the hearing officer denied the Petition, concluding, “The Petitioner was unable to meet her burden of proof.”

{11} Petitioner filed Objections to the hearing officer’s order, arguing that Section 40-13-5 of the FVPA does not include any requirement for a showing of immediate need for the protection order, that it does not include time frames in which a petitioner must apply for a domestic violence protection order, and that victims come to terms with their trauma at different times and in different ways. The district court reviewed the record and Objections, denied the Objections, and affirmed and adopted the hearing officer’s Order of Dismissal.

{12} The Court of Appeals reversed the district court in a memorandum opinion, concluding that the district court erred “by requiring Petitioner to establish ‘immediacy’ when seeking a domestic violence protection order under Section 40-13-5 of the FVPA. *Nguyen v. Bui*, A-1-CA-39647, mem. op. ¶ 2 (N.M. Ct. App. Nov. 23, 2021) (nonprecedential). It explained that there was no language in the statute imposing a temporal limitation after alleged abuse and that the statute permits granting a domestic violence protection order for a victim of criminal sexual penetration for any length of time, including the victim’s lifetime. *Id.*

{13} Respondent appealed. This Court granted certiorari on the question whether the Court of Appeals misinterpreted the FVPA when it concluded that the FVPA only requires a finding that an act of domestic abuse occurred, even if there has not been any evidence that the petitioner is currently in imminent danger. We affirm the Court of Appeals, holding the plain language of Section 40-13-5 requires only a finding by the court that domestic abuse has occurred.

II. DISCUSSION

A. Section 40-13-5 of the FVPA Contains No Requirement That a Petitioner Show a Need for a Domestic Violence Protection Order

{14} The issue presented is one of statutory interpretation, which this Court reviews de novo. *Cooper v. Chevron U.S.A., Inc.*, 2002-NMSC-020, ¶ 16, 132 N.M. 382, 49 P.3d 61 (“The meaning of language used in a statute is a question of law that we review de novo.”).²

{15} “In construing a statute, we must ascertain and give effect to the intent of the Legislature. To accomplish this, we apply the plain meaning of the statute unless the language is doubtful, ambiguous, or an adherence to the literal use of the words would lead to injustice, absurdity or contradiction.” *State v. Tafoya*, 2010-NMSC-019, ¶ 10, 148 N.M. 391, 237 P.3d 693 (internal quotation marks and citations omitted). Analysis of Section 40-13-5 begins and ends with its plain language.

{16} Section 40-13-5(A) provides, “Upon a finding that domestic abuse has occurred or upon stipulation of the parties, the court *shall* enter an order of protection” (emphasis added). The statute is clear; the only predicate finding required is that domestic abuse has occurred. *See Tafoya*, 2010-NMSC-019, ¶ 10. If the court finds that domestic abuse has occurred, it “shall” enter the order of protection. Section 40-13-5(A). There is no language that indicates that a petition must state why a petitioner needs the order, or even language that requires proof of a petitioner’s need for the order. *See* § 40-13-5.

{17} We recognize that in some states, a petitioner must both fall into a class of people the statute seeks to protect (in this case a victim of domestic abuse) *and* be in imminent fear of bodily injury. For example, a statute in Oregon’s Family Abuse Prevention Act imposes such a requirement.³ In New Mexico, however, the FVPA statute relies on a showing of past or present domestic abuse, and it does not require a showing of a threat of future harm. The only requirement under Section 40-13-5 is proof that “domestic abuse has occurred.” Section 40-13-5(A). This case contains serious allegations that Petitioner was the victim of sexual assault. *See* § 40-13-2(D) (1). As such, Section 40-13-5 is explicitly

² We note that Respondent recites the issue in his brief in chief as “did the district court abuse its discretion’ in interpreting a requirement that a Petitioner demonstrate a need . . . for the protection of the Court.” However, the question granted on certiorari does not involve an abuse of discretion standard, and there are no allegations that the type of error that would require abuse of discretion review occurred in this case.

³ *See* Or. Rev. Stat. Ann. § 107.710 (West 2015) (“Any person who has been the victim of abuse within the preceding 180 days may petition the circuit court for relief under ORS 107.700 to 107.735, if the person is in imminent danger of further abuse from the abuser. The person may seek relief by filing a petition with the circuit court alleging that the person is in imminent danger of abuse from the respondent, that the person has been the victim of abuse committed by the respondent within the 180 days preceding the filing of the petition and particularly describing the nature of the abuse and the dates thereof.” (emphasis added)).

clear: upon this finding, the court shall issue a protective order. Section 40-13-5 imposes no temporal qualifications.

{18} Failing to identify any ambiguity in the statute, Respondent invites us to consider legislative history, the context of the statute in relation to other statutes around it, the statute in comparison to the civil restraining order, and public policy implications. In addition, he presents information contained on the district court's website. Such extrinsic evidence is only considered when the statute is ambiguous or "[w]hen application of the plain meaning of the statute fails to result in a reasonable or just conclusion." *Tafoya*, 2010-NMSC-019, ¶ 10. Therefore, the statute must be read and given effect "as it is written by the Legislature, not as the court may think it should be or would have been written if the Legislature had envisaged all the problems and complications which might arise in the course of its administration." *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶ 22, 117 N.M. 346, 871 P.2d 1352 (internal quotation marks omitted) (quoting *Perea v. Baca*, 1980-NMSC-079, ¶ 22, 94 N.M. 624, 614 P.2d 541). Thus, the hearing officer erred in adding a requirement that Petitioner must show immediacy of harm upon proving domestic abuse. The district court erred in accepting this conclusion of law.

B. Respondent's Constitutional Arguments Are Undeveloped

{19} Respondent makes an incomplete and unsupported argument that restraining orders are unconstitutional, as they "interfere with the constitutional right of free movement and travel." He notes that orders of protection affect government employment, raise potential deportation issues, upset custodial issues when children are involved, and impose criminal consequences if violated. First, Respondent cites no authority from any jurisdiction to support his argument. We therefore assume that no authority exists. *See In re Adoption of Doe*, 1984-NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d 1329 ("We assume where arguments in briefs are unsupported by cited authority [that] counsel . . . was unable to find any supporting authority."). "Issues raised in appellate briefs which are unsupported by cited authority will not be reviewed by us on appeal." *Id.*

{20} Second, Respondent's constitutional argument also lacks any principled analysis. *Elane Photography, LLC v. Willock*, 2013-NMSC-040, ¶ 70, 309 P.3d 53 (explaining that the appellate court does not review unclear or undeveloped arguments). This Court will, on rare occasion, address issues that are undeveloped or not raised at all by the parties. *State v. Arrendondo*, 2012-NMSC-013, ¶ 20, 278 P.3d 517 (recognizing the "Court's inherent authority to raise an issue sua sponte when it

is necessary to protect a party's fundamental rights"). However, as a general rule, this Court will not "promulgate case law based on our own speculation rather than the parties' carefully considered arguments." *Elane Photography*, 2013-NMSC-040, ¶ 70. Accordingly, Respondent's constitutional arguments do not alter our analysis.

III. CONCLUSION

{21} We hold that Section 40-13-5 does not require a showing of immediate need for a domestic violence order of protection. A petitioner must show only that domestic abuse occurred (or there must be a stipulation that domestic abuse occurred), and the district court "shall" grant the order. Section 40-13-5(A). Accordingly, the district court erred by dismissing Petitioner's petition, and we affirm the Court of Appeals' reversal. Because the hearing officer dismissed the petition prior to making a finding about whether domestic abuse occurred, we remand to the district court for a new hearing on the issue of continuing the order of protection. We further order Petitioner's temporary order of protection to remain in place pending the order of protection hearing.

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

DAVID K. THOMSON, Justice

WE CONCUR:

C. SHANNON BACON, Chief Justice

MICHAEL E. VIGIL, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 9/26/2023

No. A-1-CA-39312

**ANTHONY JACOB, individually and as party in
interest to CORNERSTONE HOMES, INC.; and
CORNERSTONE HOMES, INC.,**

Plaintiffs-Appellants,

v.

**SUSAN WALKER and MOUNTAIN INSURANCE
SERVICES, INC.,**

Defendants-Appellees,

and

JACK W. CREIGHTON and MARY E.

CREIGHTON,

Defendants.

APPEAL FROM THE DISTRICT COURT
OF BERNALILLO COUNTY
Benjamin Chavez, District Court Judge

Roepke Law Firm, LLC
Karl H. Roepke
Albuquerque, NM

Ferrance Law, P.C.
David A. Ferrance
Albuquerque, NM

for Appellants

Atler Law Firm, P.C.
Timothy J. Atler
Jazmine J. Johnston
Albuquerque, NM

Ray A. Padilla PC
Ray A. Padilla
Albuquerque, NM

for Appellees

► Introduction of Opinion

The district court entered summary judgment against Plaintiffs Anthony Jacob and Cornerstone Homes, Inc., and in favor of Defendants Susan Walker and Mountain Insurance Services, Inc., concluding that Plaintiffs' complaint to foreclose their judgment lien is time-barred. On appeal, Plaintiffs argue that (1) the district court erred in concluding that the fourteen-year statute of limitations for the enforcement of judgments, NMSA 1978, § 39-1-6 (1983), ran from the judgment entered in the underlying case on September 9, 2005 (September Judgment) rather than the amended judgment entered in that case on October 17, 2005 (October Judgment) and (2) the district court made various other errors during the proceedings. Unpersuaded, we affirm.

Zachary A. Ives, Judge

WE CONCUR:

Jennifer L. Attrep, Chief Judge

Shammara H. Henderson, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-39312>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 9/26/2023

No. A-1-CA-39031

**PATRICIA MULHOLLAND
and M. MARK MULHOLLAND,**

Plaintiffs-Appellees,

v.

**BRENDA KASUBOSKI and THE ESTATES OF RAY
BISHOP AND PATRICIA BISHOP,**

Defendants-Appellants.

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

Daniel A. Bryant, District Court Judge

Charles E. Hawthorne, Ltd.

Charles E. Hawthorne

Ruidoso, NM

for Appellees

Keefe Law Firm

Lauren Keefe

Albuquerque, NM

for Appellants

► Introduction of Opinion

Defendant Brenda Kasuboski, in her individual capacity and as the executor for the estates of Ray and Patricia Bishop (collectively, the Estate), appeals the district court's judgment awarding Plaintiffs Patricia and Mark Mulholland damages based on Defendant's breach of their settlement agreement. Defendant argues that the district court erred in (1) concluding that claim preclusion did not apply to Plaintiffs' second claim for damages based on breach of the settlement agreement and (2) determining that the parties entered into a claim-splitting agreement.¹ We agree and reverse.

Kristina Bogardus, Judge

WE CONCUR:

Jennifer L. Attrep, Chief Judge

Michael D. Bustamante, Judge, retired,
sitting by designation

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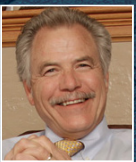
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Cordell & Cordell, P.C., a domestic litigation firm with over 100 offices across 35 states, is currently seeking an experienced family law attorney for an immediate opening in Albuquerque, NM office. The candidate must be licensed to practice law in the state of New Mexico, have minimum of 3 years of litigation experience with 1st chair family law preferred. The position offers a \$50K signing bonus, 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 with cover letter to Hamilton Hinton at hhinton@cordelllaw.com

Full-Time Associate Attorney

Gallagher, Casados & Mann, PC is an Albuquerque law firm with a primary focus on defending clients in civil litigation. We are looking for a full-time associate attorney. The ideal candidate will have 2 to 5 years of experience. Our lawyers and staff enjoy a congenial working environment with a healthy and happy work-life balance. Candidates should have excellent academic credentials and communication skills. Compensation depends on experience and is competitive with other firms. Please direct inquiries together with a resume to wjackson@gcmlegal.com.

Associate Attorney - Civil Litigation

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

Associate Attorney

Kennedy, Hernandez & Harrison, P.C. is a small, Albuquerque-based firm with a focus on plain-tiffs' civil litigation in the areas of civil rights, wrongful death, and serious personal injury. We are looking for attorneys with 0-5 years of experience who are self-motivated and eager to learn. As part of our collaborative team, associates gain experience in every aspect of our cases: meeting clients, investigating cases, drafting pleadings, handling discovery and depositions, briefing motions, and developing a case all the way through trial and appeal. Candidates should be hard-working and organized, with strong writing skills. Our firm is fast paced with competitive salary and benefits. Please send resumes and writing samples to Lhernandez@kennedyhernandez.com.

Assistant District Attorney

The Fifth Judicial District Attorney's office has immediate positions open for new and/or experienced attorneys. Salary will be based upon the New Mexico District Attorney's Salary Schedule with salary range of an Assistant Trial Attorney (\$ 70,196.00) to a Senior Trial Attorney (\$ 82,739.00), based upon experience. Must be licensed in the United States. These positions are located in the Lovington, NM office. The office will pay for your New Mexico Bar Dues as well as the National District Attorney's Association membership. Please send resume to Dianna Luce, District Attorney, 102 N. Canal, Suite 200, Carlsbad, NM 88220 or email to nshreve@da.state.nm.us

New Mexico State Bar Foundation Helpline Staff Attorney

Are you tired of billable hours? Would you love not to have to go to court? Do you dream of a job that rarely requires evening and weekend work? Do you enjoy interacting with and helping people? If you answered yes, then Helpline attorney work may be the perfect fit for you! The New Mexico State Bar Foundation seeks a helpline staff attorney for its Modest Means Helpline. Most of the work can be performed remotely from within New Mexico, with occasional mandatory office days. The position includes an excellent benefits package and competitive salary for legal work in the non-profit sector. Full Time (40 hours/week) Salary: \$60,000-\$65,000. Duties include providing legal advice and brief legal services over the phone to New Mexico residents who have moderate or low income. Additionally, the attorney may conduct legal workshops and clinics – some remotely and some in-person throughout New Mexico (travel and some overnight stays required). Applicants must be licensed to practice law in New Mexico, and able to work as part of a busy team in a fast-paced environment. Excellent customer service and computer skills are required. Fluency in Spanish is a plus as is a demonstrable interest in issues affecting the lower-income community. To be considered, applicants must submit a cover letter and resume to hr@sbnm.org. In your cover letter, please explain why you are interested in working as a helpline attorney. Visit <https://www.sbnm.org/About-Us/Career-Center/State-Bar-Jobs> for full details and application instructions.

Staff Attorney

Disability Rights New Mexico, a statewide non-profit agency serving to protect, promote and expand the rights of persons with disabilities, seeks full-time Staff Attorney primarily to represent agency clients in legal proceedings. The position also involves commenting on proposed regulations and legislation, and other policy advocacy. Must have excellent research and writing skills, and demonstrate competence in a range of legal practice including litigation. Advanced education, work experience or volunteer activities relevant to disability issues preferred. Must be licensed or eligible for license in NM. Persons with disabilities, minorities, and bilingual applicants strongly encouraged. Competitive salary and benefits. Send letter of interest addressing qualifications, resume, and names of three references to DRNM, 3916 Juan Tabo NE, Albuquerque, NM 87111, or by email to galavizl@drnm.org. Applicants encouraged to apply ASAP, but no later than 11/20/2023. AA/EEO.

Contract Prosecutor

The Eleventh Judicial District Attorney's Office, Div. II, in Gallup, New Mexico, McKinley County is seeking applicants for a Contract Prosecutor to assist in the prosecution of criminal misdemeanor cases, felony cases and conflict of interest cases. The Contract Prosecutor position requires substantial knowledge and experience in criminal prosecution, rules of evidence and rules of criminal procedure; trial skills; the ability to draft legal documents and to research/analyze information and situations and the ability to work effectively with other criminal justice agencies and Law Enforcement. This position is open to all attorneys who have knowledge in criminal law and who are in good standing with the New Mexico Bar. Limited License is okay. Salary will result in a contractual agreement between the contract prosecutor and the District Attorney. Submit letter of interest and resume to District Attorney Bernadine Martin, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to bmartin@da.state.nm.us.

Litigation Attorney

The Albuquerque office of Lewis Brisbois is seeking associates with a minimum of three years litigation defense experience. Candidates must have credentials from ABA approved law school, be actively licensed by the New Mexico state bar, and have excellent writing skills. Duties include but are not limited to independently managing a litigation caseload from beginning to end, communicating with clients and providing timely reporting, appearing at depositions and various court appearances and working closely with other attorneys and Partners on matters. Please submit your resume along with a cover letter and two writing samples to rob.henderer@lewisbrisbois.com and indicate "New Mexico Associate Position". All resumes will remain confidential.

Attorney

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

Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

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

Trial Attorney or Senior Trial Attorney

Trial Attorney or Senior Trial Attorney wanted for immediate employment with the Seventh Judicial District Attorney's Office, which includes Catron, Sierra, Socorro and Torrance counties. Employment will be based primarily in Torrance County (Estancia, NM). Estancia is a short commute from Albuquerque. Must be admitted to the New Mexico State Bar. Salary range will be \$74,886 - \$93,607, and commensurate with experience and budget availability. Will also have full benefits and one of the best retirement plans in the country. Send resume to: Seventh District Attorney's Office, Attention: J.B. Mauldin, P.O. Box 1099, 302 Park Street, Socorro, New Mexico 87801. Or email to: jbmauldin@da.state.nm.us.

Law Clerk and Associate Attorney Positions

deGrauw Law Firm, specializing in civil litigation and listed in Best Lawyers, is seeking an entry-level Associate Attorney (0-3 years' experience) and Law Clerk (2L or 3L) to join our Albuquerque office. Competitive salary, bonuses, profit-sharing, health insurance, 401k, and other benefits included. Energetic, flexible, and collegial work environment. Candidates must have good organizational skills, research/writing and oral advocacy ability, a good sense of humor, and a life outside of the law. Please contact Drew deGrauw directly with interest at drew@dglawfirm.com.

Various Assistant City Attorney Positions

The City of Albuquerque Legal Department is hiring for various Assistant City Attorney positions. Hybrid remote work schedule available. The Legal Department's team of attorneys provides a broad range of legal services to the City and represents the City in legal proceedings in court and before state, federal and administrative bodies. The legal services provided may include, but will not be limited to, legal research, drafting legal opinions, reviewing and drafting policies, ordinances, and executive/administrative instructions, reviewing and negotiating contracts, litigating matters, and providing general advice and counsel on day-to-day operations. Current open positions include: Litigation Division: The City is seeking attorneys to join the Litigation Division, which de-fends claims brought against the City. Property and Finance Division: The City is seeking attorneys to bring code enforcement actions, advise on real estate matters, and serve as general counsel to various City departments; General Counsel to the City Clerk: The City is seeking an attorney to advise on the interpretation of and compliance with the Inspection of Public Records Act and serve as General Counsel to the City Clerk's Office; Office of Civil Rights: The City is seeking an attorney to enforce the Human Rights Ordinance in conjunction with the Human Rights Board and enforce the Closed Captioning Ordinance. This attorney will advise various departments and conduct educational and investigative programs; General Counsel to APD: The City is seeking an attorney to advise APD regarding policies, procedures and training, review and negotiate contracts, review uses of force, draft legal opinions, review and draft legislation and administrative instructions. Additional duties may be assigned based on experience. Attention to detail and strong writing and interpersonal skills are essential. Preferences include: Three (3)+ years' experience as licensed attorney; experience with government agencies, government compliance, litigation, contracts, and policy writing. Salary based upon experience. For more information or to apply please send a resume and writing sample to Angela Aragon at amaragon@cabq.gov.

Attorneys

The Third Judicial District Attorney's Office in Las Cruces is seeking 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

Director - Native American Program – Santa Ana, NM

New Mexico Legal Aid is seeking a Director for its Native American Program. The Native American Program (NAP) provides free legal services to low-income Native Americans living on or near the nineteen (19) Pueblos, and outreach and community education to the community of the Mescalero Apache Nation. NAP is funded by the Legal Services Corporation and is part of New Mexico Legal Aid's statewide program. In addition to the administrative and management duties for the overall operations of NAP, the Director is responsible for: ensuring that the civil legal needs of its client community are met, including initiating and completing periodic needs assessments; partnering and collaborating with tribal entities within the service area; developing projects and programs to leverage NAP resources, including funding opportunities; integrating NAP's technology and communications needs into NMLA's statewide system; Overseeing the NAP's legal advocacy, including supervising the Litigation Manager; NAP is located within the Santa Ana Pueblo lands; approximately 40 miles from Santa Fe and 15 minutes from Albuquerque. Attorneys with experience working with tribal communities and/or who speak Keres are encouraged to apply. Click here or copy the following link into your browser to view full job descriptions and requirements (<https://newmexicolegalaid.isolvedhire.com/jobs/902413.html>). Deadline to apply: Until filled. Resumes will be reviewed on an rolling basis.

New Mexico Legal Aid – Current Job Opportunities

New Mexico Legal Aid (NMLA) provides civil legal services to low income New Mexicans for a variety of legal issues including domestic violence/family law, consumer protection, housing, tax issues and benefits. NMLA has locations throughout the state including Albuquerque, Santa Fe, Las Cruces, Gallup, Roswell, Silver City, Clovis, Hobbs, Las Vegas, Taos, and Santa Ana. NMLA currently has the following job openings: Managing Attorney-Consumer Law Practice Group; Director - Native American Program – Santa Ana, NM. Staff Attorney Positions: Generalists - Silver City, NM; Consumer Law Practice Group, Flexible Location; Las Cruces, NM; (2) Disaster Relief, Northern NM; Staff Attorney - LGBTQ+ legal access program, Safe To Be You; Staff Attorney - Statewide Intake, Referral and Advise Unit - Flexible Location; Medical Legal Partnership, Santa Fe, NM. Paralegal Positions: Paralegal - Housing Stability and Veteran's, Flexible Location. Legal Secretary: Low Income Tax Clinic – General, Albuquerque, NM. Please visit our website for all current openings, NMLA benefits, Salary Scales and instructions on how to apply - <https://newmexicolegalaid.isolvedhire.com/jobs/>

Civil Litigation Attorney

Description: Rodey, Dickason, Sloan, Akin & Robb, P.A. is currently seeking attorneys with 2 or more years of Civil Litigation experience to work in our Albuquerque office. Qualifications: Ideal candidate must have strong academic credentials, excellent references, solid writing skills, deposition experience, hearing experience, and must be licensed in New Mexico. Experience in professional liability, medical negligence or personal injury is preferred. Candidates should possess the desire to work as a team, to mature their legal skills, and to represent their clients well. Rodey offers comprehensive benefits package, including health, dental and vision; professional development and multi-faceted mentoring program; FSA and HSA plan option(s); 401K plan/employer match; group life and long-term disability insurance; employee assistance program; wireless phone/services stipend. We are excited about our opportunity to partner with qualified candidates looking to advance their legal career. For consideration, please include a cover letter, resume, law school transcript and writing sample and submit via email to Ali Dyer, Human Resources Director at: jobs@rodey.com with "Litigation Attorney" in the subject line. All inquiries will be kept confidential. Rodey is an Equal Opportunity Employer. Rodey Law Firm is not accepting unsolicited resumes from search firms for this position.

RFP – Legal Services

The Risk Management Division of the General Services Department invites the submission of Proposals for Legal Services, including liability and workers compensation. A copy of the full Request for Proposals may be obtained from the RMD website: www.generalservices.state.nm.us/risk-management/solicitations/, via the "RMD Solicitations" tab. Proposals must be prepared per the submittal requirements in the RFP and received at the Risk Management Division no later 4:00p.m., Friday, November 17, 2023. Please direct any questions regarding the RFP to Gerardo Ruelas, Finance Bureau Chief, at (505)819-7815 or Gerardo.Ruelas@gsd.nm.gov.

Experienced Litigation Attorney

Priest & Miller LLP is seeking an experienced litigation attorney to join our team. Priest & Miller is a dynamic defense firm that handles complex cases involving claims of medical negligence, wrongful death, catastrophic injury, and oil and gas accidents. We are seeking attorneys with 3+ years of experience and who will thrive in a collaborative, flexible and fast paced environment. We offer highly competitive salaries and a generous benefits package. All inquiries will be kept confidential. Please email your resume to Resume@PriestMillerLaw.com.

**Deputy Attorney General for
Affirmative Litigation
New Mexico Office of the
Attorney General**

Santa Fe or Albuquerque, New Mexico

Job Description: The New Mexico Office of the Attorney General is seeking a highly-skilled and motivated individual to join our team as the Deputy Attorney General for Affirmative Litigation. The Deputy Attorney General will play a critical role in leading and managing our affirmative litigation efforts. They will work closely with the Attorney General, the Chief Deputy Attorney General and other senior staff members to develop and execute litigation strategies that promote justice, protect the public interest, and advance the rights of individuals and communities. This is an at-will position. Responsibilities: Lead and oversee the development and implementation of affirmative litigation strategies in collaboration with the Attorney General and other stakeholders including, but not limited to, civil rights, consumer protection, environmental protection, and corporate fraud; Conduct legal research and analysis to identify potential claims and develop legal theories to support affirmative litigation cases; Prepare and file legal documents, including complaints, motions, and briefs, in state and federal courts; Manage a team of attorneys and legal staff involved in affirmative litigation, providing guidance, feedback, and mentorship; Collaborate with relevant government agencies, nonprofits, and advocacy organizations to gather evidence, build partnerships, and leverage resources; Conduct investigations and discovery processes to gather evidence and build strong cases Represent the New Mexico Office of Attorney General in court proceedings, including hearings, trials, and possible appeals; Monitor developments in relevant legal areas and propose policy and procedural changes to enhance the effectiveness of affirmative litigation efforts; Maintain accurate and organized case files, records, and other documentation; Collaborate and monitor outside legal counsel pursuing legal claims and lawsuits on behalf of the office; Lead nationwide litigation in the pursuit of protecting public interests. Qualifications: Juris Doctor (J.D.) degree from an accredited law school; Admission to the New Mexico state bar and in good standing or the ability to acquire a limited law license; 10 years of experience in litigation, with a focus on affirmative litigation, and 5 years of management experience preferred; Knowledge of civil rights law, consumer protection law, and environmental law preferred; Excellent legal research, writing, and oral advocacy skills; Proven ability to lead and manage a team of attorneys and legal staff; Demonstrated experience in developing and executing litigation

strategies. Strong analytical and problem-solving skills; Exceptional organizational and time management abilities; Ability to work effectively under pressure and meet deadlines; Excellent interpersonal and communication skills. Application Instructions: To apply for the position of Deputy Attorney General for Affirmative Litigation, please submit the following documents to Dean Woulard at recruiting@nmag.gov: 1. Cover letter detailing your interest in the role and your relevant experience. 2. Resume/CV with a detailed overview of your educational and professional background. 3. Writing samples showcasing your legal research and writing abilities. 4. Contact information for three professional references.

**Division Director for Civil Rights
New Mexico Office of the
Attorney General
Santa Fe or Albuquerque,
New Mexico**

Job Description: The New Mexico Office of the Attorney General is seeking a dynamic and experienced individual to join our team as the Division Director for Civil Rights. The Director will be responsible for overseeing and managing legal matters related to civil rights enforcement and protection. Their primary focus is promoting equality, combating discrimination, and upholding constitutional and statutory rights. The Director will work closely with the Attorney General, Chief Deputy Attorney General, and Deputy Attorney General for Affirmative Litigation and collaborate with a team of attorneys and legal professionals to develop and execute strategic litigation initiatives. Responsibilities: Provide legal counsel and guidance on civil rights laws, regulations, and policies to government agencies, departments, and officials; Oversee and manage civil rights investigations and enforcement actions; Assist in the development and implementation of policies and regulations aimed at protecting civil rights; Develop and implement outreach initiatives to raise awareness about civil rights, educate the public on their rights and protections, and promote inclusivity and diversity; Oversee and manage civil rights litigation, including working with other attorneys, developing case strategies, and representing the New Mexico Office of the Attorney General in court or administrative proceedings; Collaborate with other government agencies, civil rights organizations, community groups, and stakeholders to address civil rights issues effectively; Advocate for civil rights issues by engaging in public policy discussions, testifying before legislative bodies, and promoting legislation or regulations that enhance civil rights protections. Qualifications: Juris Doctor (J.D.) degree from an accredited law school; Admission

to the New Mexico state bar and in good standing or the ability to acquire a limited law license; 6 years of experience in litigation, with a demonstrated focus on affirmative litigation and 3 years of management experience preferred; Strong knowledge of civil rights law, and other relevant legal areas; Proven track record of developing and executing successful litigation strategies; Excellent leadership and management skills, with the ability to inspire and motivate a team of attorneys and legal professionals; Outstanding legal research, writing, and oral advocacy skills; Strong analytical and problem-solving abilities; Ability to work effectively under pressure, prioritize tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders; Demonstrated commitment to social justice, equality, and public interest law. Application Instructions: To apply for the position of Division Director for Civil Rights, please submit the following documents to Dean Woulard at recruiting@nmag.gov: 1. Cover letter detailing your interest in the role and your relevant experience; 2. Resume/CV with a detailed overview of your educational and professional background; 3. Writing samples showcasing your legal research and writing abilities; 4. Contact information for three professional references.

**ALU Managing Attorney/Attorney
Supervisor #6001– Office of the
State Engineer**

The Office of the State Engineer's Litigation and Adjudication Program seeks to hire a Managing Attorney to oversee cases and professional legal staff in the agency's Administrative Litigation Unit. This position manages water rights permitting and enforcement cases in the State Engineer's administrative Hearing Unit on behalf of the Water Rights Division, as well as proceedings in district courts, the Court of Appeals, and the Supreme Court on behalf of the State Engineer. This position also works in cooperation with technical staff to ascertain, articulate, and implement public policy regarding water rights in New Mexico. Candidates must have significant civil litigation experience, and administrative law experience is a plus. Candidates should have strong legal writing and communication skills and be able to work collaboratively across multiple programs within the Office of the State Engineer. Interested candidates can apply at <https://www.spo.state.nm.us/>. Please include a cover letter and writing sample with your application.

**Division Director for
Environmental Protection
New Mexico Office of the
Attorney General
Santa Fe or Albuquerque,
New Mexico**

Job Description: The New Mexico Office of the Attorney General is seeking a dynamic and experienced individual to join our team as the Division Director for Environmental Protection. The Environmental Protection Division Director is responsible for overseeing and managing legal matters related to environmental protection and enforcement. Their primary focus is to ensure compliance with environmental laws and regulations, protect natural resources, pursue affirmative environmental protection litigation, and advocate for the preservation of environmental resources and environmental quality standards. Responsibilities: Provide legal counsel and guidance on matters related to environmental laws, regulations, and policies to various government agencies, departments, and officials; Oversee and manage enforcement actions related to environmental violations, which can involve conducting investigations, collaborating with law enforcement agencies, and initiating legal proceedings against violators; Assist in the development and implementation of environmental policies and regulations at the state or federal level; Advocate for environmental protection and conservation initiatives, including supporting or opposing environmental legislation, participating in public hearings, and representing the Attorney General's Office in environmental matters before administrative bodies and courts; Collaborate with other government agencies, non-profit organizations, and stakeholders involved in environmental protection and enforcement efforts; Oversee and manage litigation related to environmental matters, including working with other attorneys, managing case strategy, and ensuring legal actions are aligned with the overall objectives of the Attorney General's Office. Qualifications: Juris Doctor (J.D.) degree from an accredited law school; Admission to the New Mexico state bar and in good standing or the ability to acquire a limited law license; 6 years of experience in litigation, with a demonstrated focus on affirmative litigation and 3 years of management experience preferred; Strong knowledge of environmental law and other relevant legal areas; Proven track record of developing and executing successful litigation strategies; Excellent leadership and management skills, with the ability to inspire and motivate a team of attorneys and legal professionals; Outstanding legal research, writing, and oral advocacy skills; Strong analytical and problem-solving abilities; Ability to work effectively under pressure, prioritize

tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders Demonstrated commitment to social justice, equality, and public interest law. Application Instructions: To apply for the position of Division Director for Environmental Protection, please submit the following documents to Dean Woulard at recruiting@nmag.gov: 1. Cover letter detailing your interest in the role and your relevant experience; 2. Resume/CV with a detailed overview of your educational and professional background; 3. Writing samples showcasing your legal research and writing abilities; 4. Contact information for three professional references.

**IPRA Attorney Lead
New Mexico Office of the
Attorney General
Santa Fe or Albuquerque,
New Mexico**

Full-Time; Open until the position is filled. Job Description: The New Mexico Office of the Attorney General (the Office) seeks a dynamic and experienced individual to join our team as the lead attorney for fulfilling Inspection of Public Records Act (IPRA) requests. The lead IPRA Attorney is responsible for overseeing and managing legal matters related to IPRA requests to the Office. Their primary focus is the timely, efficient, and effective processing of requests to inspect public records. The IPRA Lead Attorney works closely with the Special Counsel for the Attorney General, Deputy Attorney General for Civil Affairs, and Director of Government Counsel & Accountability and collaborates with attorneys and legal professionals throughout the Office. Responsibilities: Oversee and manage IPRA request fulfillment, including working with other attorneys, developing case strategies, and representing the New Mexico Office of the Attorney General in court or administrative proceedings; Provide legal counsel and guidance on IPRA laws, regulations, and policies to the Office; Collaborate with other government agencies, community groups, and stakeholders to address IPRA and government transparency issues effectively; Develop and implement internal trainings to build institutional awareness about IPRA and government transparency; Assist in the development and implementation of policies and regulations aimed at IPRA law and government transparency; Engage in public policy discussions, testifying before legislative bodies, and promoting legislation or regulations that develop the legal framework impacting public records in New Mexico. Qualifications: Juris Doctor (JD) degree from an accredited law school; Admission to the New Mexico state bar and in good standing or the ability to acquire

a limited law license; Minimum of four (4) years of experience in the practice of law. Preferred qualification of 6 years of experience in litigation, with a demonstrated experience processing IPRA requests and 3 years of management experience preferred; Strong knowledge of IPRA law, and other relevant legal areas; Excellent leadership and management skills, with the ability to inspire and motivate a team of attorneys and legal professionals; Outstanding legal research, writing, and oral advocacy skills; Strong analytical and problem-solving abilities; Ability to work effectively under pressure, prioritize tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders; Demonstrated commitment to public service law; Application Instructions: To apply for the position of IPRA Attorney Lead, please submit the following documents to Dean Woulard at recruiting@nmag.gov: 1. Cover letter detailing your interest in the role and your relevant experience; 2. Resume/CV with a detailed overview of your educational and professional background; 3. Writing samples showcasing your legal research and writing abilities; 4. Contact information for three professional references. The New Mexico Office of the Attorney General is committed to recruiting the highest quality candidates who embody its institutional values of: Integrity - a commitment to honesty, ethical behavior, and transparency in all actions and decisions; Excellence - the highest level of professionalism and expertise in all aspects of our work, and; Service - a strong dedication to serving the public interest and prioritizing the well-being of the community - especially the interests of those least capable of defending themselves. The New Mexico Office of the Attorney General is an equal opportunity employer, and encourages applicants from all backgrounds to apply. For more information, please visit www.nmag.gov.

**Senior Trial Attorney –
Espanola Office - VAWA grant
1st Judicial District Attorney**

The First Judicial District Attorney's Office is seeking a Senior Trial Attorney under the VOWA domestic violence grant, in the Espanola Office. Rural differential pay and retention bonus may be offered. 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.

Assistant General Counsel/ Corporate Compliance Officer Position

Albuquerque-based non-profit is seeking an Assistant General Counsel/Corporate Chief Compliance Officer. The New Mexico Educational Assistance Foundation is a non-profit corporation which is transitioning from its previous role as a lender/servicer of student loans made to enable New Mexicans to pay for college into the role of a true foundation dedicated to the mission of furthering and fostering post-secondary educational opportunities for residents of New Mexico. A position as the Assistant to the Foundation's General Counsel and Chief Corporate Compliance Officer is now open. The lawyer selected for this position will initially have the primary responsibility of ensuring corporate compliance with all applicable laws and regulations governing the corporation in its role as servicer of educational loans, and in its transitional role as a foundation managing its investments to further its ability for long-term success in its mission. The lawyer selected will immediately begin to perform both general counsel and compliance tasks, which will include negotiating, drafting and review of contracts impacting the corporation, processing civil litigation involving the corporation, reviewing and approving bankruptcy petitions filed by consumers, reviewing and revising policies and procedures, training, and managing employees with the goal of corporate compliance with all applicable federal and state laws and regulations, and to otherwise support the legal needs of the corporation. As the lawyer selected matures in the role of counsel for the corporation, General Counsel will delegate additional tasks and responsibilities, as appropriate. The expectation is for this position to offer the lawyer selected the opportunity to work and grow in a supportive and flexible corporate non-profit work environment, gaining the personal and employment satisfaction of being a part of an organization helping to improve the lives of New Mexicans. The position offers a competitive salary, excellent fringe benefits including a matching retirement contribution, a first class facility in which to work with the opportunity for partial remote work, and a talented, committed and supportive management team. Physical requirements include the ability to work in a standard office environment, e.g. sitting, standing, moving around the office building (assisted or unassisted) and the ability to lift items weighing up to twenty-five pounds. Please mail your application including a resume and any questions you may have to Scott Kaplanides, Human Resources Director, 7400 Tiburon NE, Albuquerque, NM 87109 or to by email to kaplanidess@nmeaf.org. We look forward to hearing from you.

Associate Director of Admissions & Pathway Initiatives

The UNM School of Law seeks an Associate Director of Admissions & Pathway Initiatives. As part of the Office of Admissions & Financial Aid, this position is responsible for developing and implementing pathways programs designed to increase awareness of the legal profession, maximize recruitment efforts, and support the goal of attracting and retaining an academically talented and diverse student population. The position will also be responsible for representing the UNM School of Law at local, state, regional, and national student recruitment events. Some travel, including on evenings and weekends, is required: <https://unm.csod.com/ux/ats/careersite/18/home/requisition/27322?c=unm>

JSC Investigative Trial Counsel

State of NM Judicial Standards Commission located in Albuquerque seeks a JSC Investigative Trial Counsel, an FLSA exempt (not classified), at-will and full-time position with benefits including PERA retirement. NMJB Pay Range LL \$31.273/hr-\$62.546/hr, or (\$65,048-\$130,096) yearly. JSC target pay range (\$90,000 - \$95,000) DOE and budget. Flexible work schedules available. Under general direction and review, the Investigative Trial Counsel assists in the investigation and prosecution of matters before the Commission involving the discipline, removal, or retirement, of New Mexico judges and appear in cases before the New Mexico Supreme Court. No telephone calls, e-mails, faxes, or walk-ins accepted. See full job description and application instructions at <https://humanresources.nmcourts.gov/home/career-opportunities/or> on the News page of the Commission's website (www.nmjsc.org).

Part Time / Full Time Prosecutor

The Pueblo of Isleta is seeking a part time to full time Assistant Prosecutor. The Assistant Prosecutor will oversee cases involving individuals accused of violating criminal laws within the boundaries of the Pueblo of Isleta and prosecute these cases in Isleta Tribal Court, Bernalillo County Metropolitan Court and State District Court. The Assistant Prosecutor will participate in litigating bench and jury trials as well as utilizing a plea-bargaining process that will protect the interests of both the Pueblo of Isleta and victims of crime by ensuring a balanced criminal justice system. This position is grant-funded for a term of five (5) years. The Pueblo of Isleta offers competitive benefits, to include health, dental and vision insurance, paid vacation and sick leave and a rich 401k retirement program. Entry-level and experienced attorneys will be considered for this position. Please visit <https://www.isletapueblo.com/careers/> to apply.

Immigration Attorney

Rebecca Kitson Law is seeking an Associate Attorney with passion and commitment to help immigrants in family based and humanitarian immigration relief. Our firm values compassion, teamwork, excellence, and fierce advocacy. Our team works collaboratively to create a warm and supportive work environment that provides the opportunity to transform people's lives, bring families together, and protect the vulnerable. We are proud to be inclusive firm that embraces and honors diversity in our staff and clients. We offer robust tiered benefits after probationary periods to include: extensive time off, fully funded health insurance, dental, vision, short- and long-term disability and life insurance and a 401k with employer contribution. Flexible hybrid work options are available, as well as a relocation budget if needed. Experience in immigration law is welcomed but not required. MUST be fully fluent in Spanish. Must have a law license in any state and be in good standing. Salary DOE. To be considered for the position, please submit a resume, letter of intent, and writing sample to mf@rkitsonlaw.com.

RFP 2024-842 Municipal Legal Services

NOTICE TO OFFERORS: City of Aztec, NM, RFP 2024-842 Municipal Legal Services, Proposal Due Date: Thursday, December 7, 2023 at 5:00 P.M. MST. The City of Aztec, NM is accepting proposals from interested and qualified professional attorneys to solicit competitive sealed proposals for the award of a contract to provide professional legal services to the City of Aztec. The term of the resulting award contract will be one year from date of award, with the City's option to renew the contract for three (3) additional one-year periods. Acceptable candidates are Attorney(s), licensed by the State of New Mexico to practice law and be a member in good standing of the State Bar of New Mexico. RFP documents may be obtained online by accessing the City of Aztec's purchasing webpage through www.aztecnm.gov, by contacting Vanessa Tanner at (505) 334-7652 or vtanner@aztecnm.gov, or by visiting VendorRegistry.com. Sealed proposals, clearly marked as RFP 2024-842 including the proposal due date and time, will be received by the Purchasing Office at 201 W. Chaco, Aztec, New Mexico 87410, until the hour of 5:00 P.M. on December 7, 2023.

Civil Legal Attorney (Contracted)

POSITION: Civil Legal Attorney (CONTRACTED); PROGRAM: Peacekeepers, Espanola, NM; STATUS: Part-Time (20 hours a week); BENEFITS: No; RATE OF PAY: DOE; EDUCATION: High School Diploma or GED. Bachelor's Degree in Sociology, Social Work, Criminal Justice preferred. EXPERIENCE: 5+ years of law experience. Three years in domestic violence, shelter or advocacy work. PREFERRED CERTIFICATES: None. Job Summary: Practice civil and family law with an emphasis on domestic violence orders of protection within the Eight Northern Pueblos. Essential functions: Practice law in the following areas: child support, custody, paternity, and interim income allocation, orders of protection, parenting plans, dissolution of marital proceedings, discovery, and post-divorce issues related to domestic violence in State and Tribal courts. Draft temporary orders of protection, attend permanent order of protection hearings, and interim hearings. Complete wage withholding orders, child support worksheets and marital settlement agreements. Represent PK clients in dissolution of marital proceedings and child support and custody proceedings. Attend emergency expedited motions among the pueblos in representation of PK clients. Conduct research, interview clients, and witnesses and handle other details in preparation for hearings and/or trial. Represent client in court and work closely with victim advocates. Maintain strict Confidentiality unless by written approval of the victim. Maintain orderly client files in compliance with applicable legal requirements and department standards of confidentiality. Demonstrate expertise in safety planning, stalking logs, and Cybernet abuse. Ability to recognize sign of escalating violence given specific fact patterns. 327 Eagle Drive, PO Box 969, Ohkay Owingeh, NM 87566. www.enipc.org/humanresources (to access application). Submit applications and or Resumes to: Krystal Martinez/HR Specialist, kmartinez@enipc.org. This position is also posted on Indeed.com

Assistant Attorneys General

The New Mexico Office of the Attorney General is committed to recruiting the highest quality Assistant Attorneys General candidates who support the values of integrity, excellence and service. We have a commitment to honesty, ethical behavior, and transparency in all actions and decisions. We strive for the highest level of professionalism and expertise in all aspects of our work. And we have a strong dedication to serving the public interest and prioritizing the well-being of the community - especially the interests of those least capable of defending themselves. The New Mexico Office of the Attorney General is an equal opportunity employer, and we encourage applicants from all backgrounds to apply. To apply please visit the State Personnel website at: www.spo.state.nm.us. For additional job opportunities please visit our website at: www.nmag.gov.

Full-Time Paralegal

Immediate opening in downtown Albuquerque law firm for a full-time paralegal. Prior experience working in family law preferred, but not required. Personal Injury and criminal law experience a plus. This position requires strong communication and organizational skills as well as the ability to effectively multi-task. Salary negotiable but largely based on experience. Competitive benefits offered. Please email resume to COBrien@familylawfirm.com.

Full Time Courier / File Clerk

A busy litigation firm, located in downtown Albuquerque, is seeking to hire a full-time legal courier/file clerk. Applicants must be self-motivated, detail oriented, well organized, and willing to learn. Must be willing to work overtime when called upon to help other staff members when needed. Some of the responsibilities will include, but are not limited to, court filings, mail, local hand deliveries and pick-ups as necessary. Inventory, stocking and ordering of supplies, backup, and provide relief to the receptionist, copying, scanning, filing and general office duties. Must be computer literate and be able to set up Google meets as well as Zoom meetings. The applicant must provide their own vehicle along with proof of insurance. Benefits include paid mileage, health insurance, three (3) weeks paid leave per year, sick leave, dental and vision, and profit-sharing plan. The salary range is \$15 - \$18 per hour depending on experience. Interested applicants please e-mail your resume to Rebecca Turney at rturney@peiferlaw.com. No telephone inquiries will be accepted.

City of Albuquerque Paralegal

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive administrative legal work from time of inception through resolution and perform a variety of paralegal duties, including, but not limited to, performing legal research, managing legal documents, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings, setting up and maintaining a calendar with deadlines, and other matters as assigned. Excellent organization skills and the ability to multitask are necessary. Must be a team player with the willingness and ability to share responsibilities or work independently. Starting salary is \$25.54 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$26.80 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Legal Assistant/Paralegal

Harrison & Hart, LLC, a small but active litigation firm in Albuquerque, New Mexico, is seeking a Legal Assistant/Paralegal to support the firm's criminal defense and appellate practices. Those experienced in criminal defense and litigation in the state, federal and appeals courts, who have knowledge of State, Federal and Appeal court procedures; e-filing; preparing tables for appellate briefs; Westlaw and other legal research tools; and reviewing and categorizing high-volume electronic discovery are preferred. But we are open to hiring and training a recent graduate or someone new to the profession if they are the right fit. Must possess a strong attention to detail with a high level of accuracy and superior organizational skills, the ability to prioritize work and multitask, and be an independent person who is eager to acquire additional assignments. Responsibilities will include drafting, editing, formatting, and filing legal documents (electronically and in-person, as needed); tracking court deadlines and managing attorney calendars; scheduling and arranging meetings; coordinating visitation and court appearances for incarcerated clients; assisting attorneys with procuring and reviewing records; and managing discovery. Administrative responsibilities include assisting and greeting callers and visitors, checking in appointments, hourly billing, calendaring dates and deadlines accurately, court runs and delivery/pick up services as needed, maintaining a tidy reception/waiting area, and other front office duties. Harrison & Hart, LLC offers a generous benefits package, including a 401(k) and profit-sharing plan, vacation leave, sick leave, bonuses, and employer paid health insurance. Compensation will be between \$45,000 and \$75,000 per year based on experience. Applicants should submit a cover letter (in the body of an email is fine), resume, and list of references to Nicholas Hart at nick@harrisonhartlaw.com.

Experienced Paralegal

Experienced paralegal needed for Montgomery & Andrews, P.A. We are seeking an experienced paralegal to join our busy team in a full-time role. As paralegal you will be required to assist lawyers throughout the firm. You must have at least two years' experience. Must have knowledge of legal processes, excellent organizational skills, research skills, the ability to work under pressure, great communication, and trial preparation experience. This position requires at least two years of litigation experience. Graduation from an accredited paralegal program or bachelor's degree desired. Firm offers a congenial work environment, competitive compensation, and a benefit package. Please send cover letter, resume and salary requirements to Firm Administrator, P. O. Box 2307, Santa Fe, NM 87501 or email: tgarduno@montand.com

Legal Assistant

Montgomery & Andrews, Law Firm is accepting resumes for a Legal Assistant position in our Santa Fe Office. Must have a minimum of two years' experience working in a mid- or large-sized law firm. Applicants must have experience, including knowledge of local court rules and filing procedures. Must have excellent clerical, organizational, computer and word processing experience. Applicants must be able to multi-task and work in a team player environment. Firm offers a congenial work environment, competitive compensation, and a benefit package. Please send resume to tgarduno@montand.com or mail to T. Garduno, P.O. Box 2307, Santa Fe, New Mexico 87504-2307.

Legal Assistant

Dixon Scholl Carrillo PA is seeking to add a new full time legal assistant position to our growing team. Applicant should have a minimum of 5 years experience in Litigation support. Must be self-motivated, and have strong writing, organizational, calendaring and multitasking skills. We offer excellent benefits and a supportive work environment. Competitive Salary. Submit your resume to Michaela O'Malley at momalley@dsc-law.com.

Office Space

No Lease-All Inclusive

Office Suites-NO LEASE-ALL INCLUSIVE-virtual mail, virtual telephone reception service, hourly offices and conference rooms available. Witness and notary services. Office Alternatives provides the infrastructure for attorney practices so you can lower your overhead in a professional environment. 2 convenient locations-Journal Center and Riverside Plaza. 505-796-9600/officealternatives.com.

620 Roma NW

The building is located a few blocks from the federal, state and metropolitan courts. Monthly rent of \$550 includes utilities (except phones), internet access, fax, copiers, front desk receptionist and janitorial service. You will have access to a law library, four conference rooms, a waiting area, off-street parking. Several office spaces are available. Call (505) 243 3751 for an appointment.

Law office for Sale, \$499,000

900 Lomas Blvd NW is a standalone 2,200 sf office building with great visibility from Lomas. This two-story property is well maintained with private parking. The ground level features: Reception area; Large private office with restroom, kitchenette, and storage. The second level features: Two private offices; Conference room; Open work area; Two restrooms; Kitchenette; Separate entrance. Contact Jeremy Salazar, RESOLUT RE, O: 505-337-0777 or C: 505-859-2975. More info at: <https://resolutre.com/properties/a01EY000000krxkYAA/>

Miscellaneous

Want to Purchase

Want to Purchase minerals and other oil/gas interests. Send Details to: PO Box 13557, Denver, CO 80201.

Looking For Association:

Older lawyer on verge of and desiring to cut back/retire; has large client base with regular PI referrals, general practice and business matters from long time clients and numerous blind calls. Has government 'outside counsel' contracts in place with case referrals. Needs minor support staff and associate assistance with ongoing matters until closed out. No staff lateral hire required. Referrals of all new matters to associated firm. 'Of counsel' role desired for short while thereafter as current caseload clears. Reply in confidence to Bar Box A with interest, PO Box 92860, Albuquerque, NM 87199-2860

Search for Will

INFORMATION REGARDING ELIZABETH SLADE A/K/A ELIZABETH OHMAN. Anyone having any information about the Last Will and Testament and/or a trust prepared for Elizabeth Slade a/k/a Elizabeth Ohman (the Elizabeth Slade Trust), or any probate related proceedings concerning this person, please contact Kevin D. Hammar, Attorney at Law or Helen Haun at (505)266-8787 or by email at Khammar@AbqLawNM.com or HHaun@AbqLawNM.com

2023 Bar Bulletin Publishing and Submission Schedule

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

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

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

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

The background of the advertisement is a photograph of a city plaza. In the center, there is a bronze statue of a person on a horse. To the right, there is a modern building with a white, geometric, lattice-like facade. In the background, there are several tall, modern skyscrapers under a clear blue sky with a few wispy clouds. The ground is paved with light-colored tiles and brick patterns.

City of Albuquerque Legal Department

We Are Hiring!

- **Excellent Benefits**
- **Trial Experience**
- **Hybrid Work Schedule**
- **Mentorship Opportunities from our 40+ Attorneys**

We are hiring attorneys for:

- **Litigation Division**
- **Property and Finance Division**
- **General Counsel to the City Clerk**
- **Office of Civil Rights**
- **General Counsel to APD**

Apply today — Send a resume & writing sample to:
amaragon@cabq.gov

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