

BAR BULLETIN

DIGITAL ISSUE

September 25, 2024 • Volume 63, No. 9-D



Cottonwood Change, by John Gallegos (see page 3)

Instagram: @john_gallegos_art

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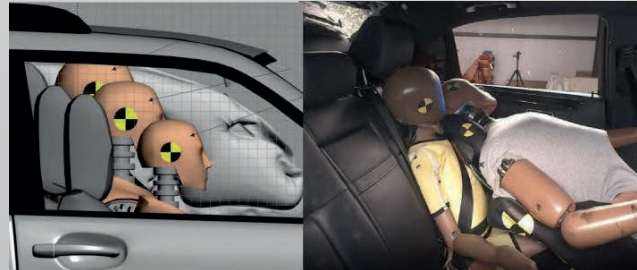
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All proceeds benefit the New Mexico State Bar Foundation.



Please contact Susan Simons at 505-288-2348 or susan.simons@sbnm.org with any additional questions about the event.



About Cover Image and Artist: John Gallegos is a multi-genre artist, working in areas of landscape, traditional Hispanic cultural imagery, collage, and geometries/abstracts. He uses wet media (oils, acrylics, gouache, ink) and dry media (pencil, charcoal, silverpoint, graphite, pastels). He will sometimes incorporate digital, photographic/photocopy techniques to create collage and mixed media images. He also creates the occasional sculptural object and is a continual photographer. His influences are the wide skyscapes and landscapes of New Mexico, Hispanic cultural iconography, magic realism, archetypal images and art history.

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_date.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 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 Concerning Reappointment of Incumbent U.S. Magistrate Judges Sweazea and Wormuth

The current terms of office of full-time United States Magistrate Judges Kevin R. Sweazea and Gregory B. Wormuth are due to expire on May 2, 2025, and May 17, 2025, respectively. The United States District Court is required by law to establish a panel of citizens to consider every reappointment of a magistrate judge to a new eight-year term. The duties of a magistrate judge in this court include: (1) presiding over most preliminary proceedings in criminal cases, (2) trial and disposition of misdemeanor cases, (3) presiding over various pretrial matters and

Professionalism Tip

With respect to opposing parties and their counsel:

I will be courteous and civil, both in oral and in written communications.

evidentiary proceedings on delegation from a district judge, (4) taking of felony pleas and (5) trial and disposition of civil cases upon consent of the litigants. Comments are as to whether either incumbent magistrate judge should be recommended by the panel for reappointment by the court are welcome. Comments may be submitted by email to MJMSP@nmcourt.uscourts.gov. Please specify whether your comments pertain to Judge Sweazea or Judge Wormuth. Questions or issues may be directed to Monique Apodaca, 575-528-1439. Comments must be received by Oct. 19.

Bernalillo County Metropolitan Court Request for Proposals

Bernalillo County Metropolitan Court Request for Proposals No. 24-003 for Professional Defense Attorney Team Member Services for Specialty Court Programs. The purpose of the RFP is to solicit sealed proposals to establish a contract through competitive negotiations to select offerors to provide professional legal services for the Court's Specialty Court programs. The RFP has been issued as of Sept. 20. Offerors may download the RFP at metro.nmcourts.gov/about-this-court/request-for-proposals. A virtual, non-mandatory, pre-proposal conference will be held Sept. 30 at 9 a.m. (MT). Proposals must be received by Gary Markel, the procurement manager, by no later than 3 p.m. (MT) on Oct. 24. Proposals received after this deadline will not be accepted.

STATE BAR NEWS 2024 Annual Meeting Registration is Open for the State Bar of New Mexico's 2024 Annual Meeting on Oct. 25

The Annual Meeting looks a little different this year! "Be Inspired" during one full day of legal education featuring keynote speaker Camille M. Vasquez, Esq., networking with colleagues, inspirational speakers and activities, entertainment and much more. Join us either in-person at the State Bar Center or virtually and earn all 12 of your CLE credits for the year for only \$199! Register today and view more information at <https://www.sbnm.org/AnnualMeeting2024>.

Access to Justice Fund Grant Commission

Notice of Commissioner Vacancy

One Commissioner appointment for a three-year term 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 Oct. 1 to kate.kennedy@sbnm.org.

Board of Bar Commissioners Election Notice 2024

Notice is hereby given for the 2024 State Bar of New Mexico Board of Bar Commissioners election. Five positions will expire Dec. 31 and will be filled by this election. For more information and a nomination petition, please visit www.sbnm.org/BBCnomination2024.

Client Protection Fund Commission

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, 2025. 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 by Oct. 1 to kate.kennedy@sbnm.org.

Correction

Misprint of New Mexico Supreme Court Opinion No. 2024-NMSC-016 in Bar Bulletin Vol 63, No. 5, Published Sept. 11, 2024

The Bar Bulletin issue published on Sept. 11, 2024 featured a misprint in New Mexico Supreme Court Opinion No. 2024-NMSC-016. The Opinion was originally published out of order, with the second page of the Opinion appearing on page 19. This page ordering was incorrect, as it was intended to be published on page 16. The correction has been made in the online version of the Bar Bulletin published Sept. 11, 2024, which can be accessed at <https://bit.ly/Bar-Bulletin-Vol-63-No-9>. Opinion No. 2024-NMSC-016 has also been republished in this issue, starting on page 10.

We greatly apologize for any inconvenience this may have caused.

New Mexico Lawyer Assistance Program New Mexico Well-Being Committee Meetings

The N.M. Well-Being Committee was established in 2020 by the State Bar of New Mexico's Board of Bar Commissioners. The N.M. Well-Being Committee is a standing committee of key stakeholders that encompass different areas of the legal community and cover statewide locations. All members have a well-being focus and concern with respect to the N.M. legal community. It is this committee's goal to examine and create initiatives centered on wellness. The Well-Being Committee will meet Nov. 26 at 3 p.m. (MT). Email Tenessa Eakins at Tenessa.Eakins@sbnm.org.

New Mexico State Bar Foundation New Mexico State Bar Foundation Golf Classic - Register to Play!

You're invited to the New Mexico State Bar Foundation Golf Classic on Sept. 30 at 9 a.m. (MT) at the Tanoan Country Club in Albuquerque! Register to play form.jotform.com/sbnm/GolfClassic. **The deadline for registration is Sept. 25.** All proceeds benefit the New Mexico State Bar Foundation. Sponsorship opportunities are also available. Visit www.sbnm.org/NMS-BFGolfClassic2024 for more information.

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.

Invitation to UNM School of Law Alumni/ae Association Distinguished Achievement Awards Dinner

The UNM School of Law invites you to register for the UNM School of Law Alumni/ae Association Distinguished Achievement Awards Dinner happening on Oct. 18 at 5 p.m. (MT) in the Student Union Building ballrooms. Register today at <https://lawschool.unm.edu/alumni/events/daad.html>. The Distinguished Achievement Honorees include Gloria Valencia-Weber, F. Michael Hart and The Hon. Deb Haaland. The Alumni Promise Honoree is Noell Sauer Huffmyer.

OTHER NEWS N.M. Legislative Council Service

Legislative Research Library Hours

The Legislative Research Library at the Legislative Council Service is open to state agency staff, the legal community, and the general public. We can assist you with locating documents related to the introduction and passage of legislation as well as reports to the legislature. Hours of operation are Monday through Friday, 8 a.m. to 5 p.m. (MT), with extended hours during legislative sessions. For more information and how to contact library staff, please visit https://www.nmlegis.gov/Legislative_Library.

— *Featured* —

Member Benefit



The
Solutions
Group

The Solutions Group partners with the New Mexico Lawyer Assistance Program to offer comprehensive, state-wide Employee Assistance Program (EAP) services to members of the New Mexico legal community and their immediate family members. Services include up to four complimentary counseling sessions per issue per year, addressing any mental or behavioral health, addiction, relationship conflict, anxiety and/or depression issue. These sessions are conducted by licensed professional therapists. Additional no-cost services encompass management consultation, stress management education, critical incident stress debriefing, video counseling, and a 24/7 call center. Providers are available statewide.

**To access this service call
505-254-3555 and identify with
NMLAP. All calls are confidential.**

New Mexico Christian Legal Aid Notice of Upcoming Training Seminar

New Mexico Christian Legal Aid invites New Mexico's legal community to join them for a Training Seminar on Nov. 1, from noon to 5 p.m. (MT) at the State Bar Center located at 5121 Masthead St NE, Albuquerque, N.M. 87109. Join them for free lunch, free CLE credits and training as they update skills on how to provide legal aid. For more information or to register, contact Jim Roach at 505-243-4419 or Jen Meisner at 505-610-8800 or christianlegaid@hotmail.com.



ANNUAL MEETING 2024
October 25 • State Bar Center or Virtual

be
inspired.

**Be Inspired and Earn All
12 CLE Credits For The Year For Only \$199!**

Introducing the Annual Meeting's Inspirational Speakers and Programming



Keynote Presentation (1.5 G)

Camille M. Vasquez, Esq.

Keynote speaker Camille M. Vasquez, Esq., partner in the Business Trial Practice Group at Sheppard, Mullin, Richter & Hampton LLP, has over 10 years of experience as a trial lawyer in high-stakes disputes, as well as an impressive background in commercial litigation, entertainment law and defamation. Vasquez quickly became one of the nation's most recognized attorneys in 2022, when she held a key role in the *Johnny Depp v. Amber Heard* defamation case. Since then, Vasquez has joined NBC News as a legal analyst and has become an inspirational figure for ambitious attorneys.

Judicial Roundtables (1.0 G)

Members of the New Mexico Judiciary

Members of New Mexico's judiciary, including representatives from the Appellate, District and Metro Courts, will be interacting with Annual Meeting attendees, both in-person and virtually, on a variety of issues, including content related to the 2024 Annual Meeting's "Be Inspired" theme and topics important to New Mexico's legal community. The judges and justices will also answer questions pertaining to the interests of legal professionals in New Mexico.





Representation Matters: Debunking New Mexico's Tri-Cultural Myth Within The Legal Profession (1.0 EIJ)

Jennifer Nicole "Nikki" Berry, Esq. and Aja N. Brooks, Esq.



This presentation will highlight the contributions of Black attorneys in New Mexico and will include information on why diversity is vital to the future of the legal profession. Jennifer Nicole "Nikki" Berry, Esq. serves as the Vice-President of the New Mexico Black Lawyers Association and is a criminal defense attorney. Aja N. Brooks, Esq. is the President-Elect of the State Bar of New Mexico and is a Past President of the New Mexico Black Lawyers Association and New Mexico State Bar Foundation.

Raising the Bar for the Bar... and the Rest of Society! (1.5 EP)

Stuart I. Teicher, Esq.

Join nationally recognized speaker Stuart I. Teicher, Esq. as he explains how concepts of professionalism encourage lawyers to aspire higher. Teicher explains that if we do so, we can elevate the profession's image and have a hugely positive impact on society.



Registration is Now Open!

Registration Information Available at **www.sbnm.org/AnnualMeeting2024**
Act fast! In-person seating is limited!

Earn all 12 CLE Credits for the year for ONLY \$199!

Earn 5 CLE credits by attending the live 2024 Annual Meeting event, in person or virtually, on Oct. 25 and complete the remaining 7 CLE credits at your convenience with special access to the Annual Meeting on-demand CLE library. The on-demand library will be available starting on Oct. 28 and all credits must be completed no later than Jan. 31, 2025.

www.sbnm.org/AnnualMeeting2024

WRITE ARTICLES *for the* Bar Bulletin!



The *Bar Bulletin* isn't just a place for information; it's a hub for discourse and perspectives on timely and relevant legal topics and cases! From A.I. and technology to family law and pro bono representation, we welcome you to send in articles on a variety of issues pertaining to New Mexico's legal community and beyond!

By publishing your work in the Bar Bulletin, you will:



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- Have your article read by over 8,000 State Bar of New Mexico members



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For information on submission guidelines and how to submit your articles, please visit www.sbnm.org/submitarticle.

We look forward to your submissions!



State Bar of
New Mexico
Est. 1886



Opportunities for Pro Bono Service CALENDAR

September

- 27 **Legal Fair**
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Mora

October

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> 4 Legal Fair
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Roswell | <ul style="list-style-type: none"> 5 Legal Fair
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Estancia | <ul style="list-style-type: none"> 18 Law-La-Palooza
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Albuquerque |
|---|--|--|

If you would like to volunteer for pro bono service at one of the above events, please contact the hosting agency.



Resources for the Public CALENDAR

September

- | | |
|---|---|
| <ul style="list-style-type: none"> 25 Consumer Debt/Bankruptcy Workshop
Virtual
State Bar of New Mexico
Call 505-797-6094 to register
Location: Virtual | <ul style="list-style-type: none"> 27 Legal Fair
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Mora |
|---|---|

October

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> 2 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual | <ul style="list-style-type: none"> 4 Legal Fair
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Roswell | <ul style="list-style-type: none"> 5 Legal Fair
In-Person
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Estancia |
|---|---|--|

Listings in the *Bar Bulletin* Pro Bono & Volunteer Opportunities Calendar are gathered from civil legal service organization submissions and from information pertaining to the New Mexico State Bar Foundation's upcoming events. All pro bono and volunteer opportunities conducted by civil legal service organizations can be listed free of charge. Send submissions to probono@sbnm.org. Include the opportunity's title, location/format, date, provider and registration instructions.

Advance Opinions

<http://www.nmcompcomm.us/>

From the New Mexico Supreme Court

From the New Mexico Supreme Court

Opinion Number: 2024-NMSC-016

Nos: S-1-SC-39406 & S-1-SC-39401 (consolidated) (filed May 13, 2024)

**COALITION FOR CLEAN AFFORDABLE ENERGY and RENEWABLE ENERGY INDUSTRIES ASSOCIATION
OF NEW MEXICO,**

Appellants,

v.

NEW MEXICO PUBLIC REGULATION COMMISSION,

Appellee,

and

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY, BERNALILLO COUNTY, NEW ENERGY
ECONOMY, and NEW MEXICO AFFORDABLE RELIABLE ENERGY ALLIANCE, and NEW MEXICO**

OFFICE OF THE ATTORNEY GENERAL,

Intervenors-Appellees.

**In the Matter of the Public Service Company of New Mexico's Petition for a Declaratory Order Regarding
Whether the Efficient Use of Energy Act Permits a Utility to Implement a Full Revenue Decoupling Mechanism;
In the Matter of the Petition of Albuquerque Bernalillo County Water Utility Authority and Bernalillo County for
Declaratory Order Regarding Whether the Efficient Use of Energy Act Mandates the Commission to Fully
Authorize Full Decoupling Upon Petition by a Public Utility,
Case No. 20-00212-UT**

**CONSOLIDATED WITH
NO. S-1-SC-39401**

PUBLIC SERVICE COMPANY OF NEW MEXICO,

Appellant,

v.

NEW MEXICO PUBLIC REGULATION COMMISSION,

Appellee,

and

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY, BERNALILLO COUNTY, NEW ENERGY
ECONOMY, and NEW MEXICO AFFORDABLE RELIABLE ENERGY ALLIANCE, and NEW MEXICO OFFICE**

OF THE ATTORNEY GENERAL,

Intervenors-Appellees.

**In the Matter of the Application of Public Service Company of New Mexico's Petition for a Declaratory Order
Regarding Whether the Efficient Use of Energy Act Permits a Utility to Implement a Full Decoupling Mechanism;
In the Matter of the Petition of Albuquerque Bernalillo County Water Utility Authority and Bernalillo County
for a Declaratory Order Regarding Whether the Efficient Use of Energy Act Mandates the Commission to Fully
Authorize Full Decoupling Upon Petition by the Public Utility,
NMPRC Case No. 20-00212-UT**

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

Cara Lynch Legal Services
Cara R. Lynch
Albuquerque, NM

Jason Marks Law, LLC
Jason A. Marks
Albuquerque, NM

PNM Resources, Inc.
Stacey J. Goodwin
Albuquerque, NM

for Appellant Coalition for Clean
Affordable Energy

for Appellant Renewable Energy
Industries Association of New Mexico

Miller Stratvert, P.A.
Richard L. Alvidrez
Albuquerque, NM

<p>Wilkinson Barker Knauer, LLP Raymond L. Gifford Debrea M. Terwilliger Denver CO</p>	<p>JAlbright Law, LLC Jeffrey H. Albright Albuquerque, NM</p>	<p>The Gould Law Firm Peter J. Gould Kelly D. Gould Santa Fe, NM</p>
<p>for Appellant Public Service Company of New Mexico</p>	<p>for Intervenor Bernalillo County</p>	<p>for Intervenor New Mexico Affordable Reliable Energy Alliance</p>
<p>Russell R. Fisk, Associate General Counsel Santa Fe, NM</p>	<p>Stelzner, Winter, Warburton, Flores & Dawes, P.A. Keith W. Herrmann Nann M. Winter Albuquerque, NM</p>	<p>New Energy Economy Mariel Nanasi Santa Fe, NM</p>
<p>for Appellee New Mexico Public Regulation Commission</p>	<p>Albuquerque Bernalillo County Water Utility Authority Charles W. Kolberg, General Counsel Albuquerque, NM</p>	<p>for Intervenor New Energy Economy</p>
	<p>for Intervenor Albuquerque Bernalillo County Water Utility Authority</p>	<p>Gideon Elliot, Assistant Attorney General Keven Gedko, Assistant Attorney General Santa Fe, NM</p>
		<p>for Intervenor New Mexico Office of the Attorney General</p>

OPINION

VIGIL, Justice.

{1} Traditional utility revenues are based on how much energy a utility’s customers use, but energy efficiency and load management programs result in a decrease of energy consumption and, therefore, reduce the revenues collected by the utility.¹ In order to encourage utilities to invest in energy efficiency and load management programs, the Efficient Use of Energy Act (EUEA), NMSA 1978, §§ 62-17-1 to -11 (2005, as amended through 2020), directs the Public Regulation Commission (the Commission), upon request by a utility, to provide for a rate adjustment mechanism to account for any such decrease in energy consumption. Section 62-17-5(F)(2). As we explain in detail below, this mechanism is commonly referred to as “revenue decoupling,” which can be either partial or full. The dispute here is whether the EUEA provides for a partial or full decoupling mechanism.

{2} In a direct appeal from declaratory proceedings before the Commission, Appellants the Public Service Company of

New Mexico (PNM), Coalition for Clean Affordable Energy (CCAEE), and Renewable Energy Industries Association of New Mexico (REIA) argue that Section 62-17-5(F)(2) plainly describes a full revenue decoupling mechanism. The Commission in turn asserts that Section 62-17-5(F)(2) is ambiguous and, when construed with other relevant statutory provisions, contemplates approval of a partial revenue decoupling mechanism. Several intervening parties in this appeal support the Commission’s interpretation. {3} For the reasons explained herein, we determine that Section 62-17-5(F)(2) clearly describes a full revenue decoupling mechanism. Because the Commission’s interpretation of Section 62-17-5(F)(2) is unlawful and unreasonable, we annul and vacate the Commission’s order in its entirety. NMSA 1978, § 62-11-5 (1982) (providing that this Court has “no power to modify” an order from the Commission “but shall either affirm or annul and vacate the same”).

{4} We decline to reach additional issues raised about the Commission’s construction of Section 62-17-5(F)(4) or NMSA 1978, § 62-13-13.2 (2010) because the

Commission’s reasoning on these issues is likely to change in view of our opinion. See *N.M. Indus. Energy Consumers v. N.M. Pub. Serv. Comm’n*, 1991-NMSC-018, ¶ 26, 111 N.M. 622, 808 P.2d 592 (listing factors for determining whether agency action is ripe for adjudication, including “whether further agency decisions may moot some of the contentions”). We also do not entertain a facial constitutional challenge to Section 62-17-5(F)(4) discussed by Intervenor New Energy Economy in its answer brief, as the issue was not raised in a Notice of Appeal and therefore is not properly before the Court. Rule 12-601(B) NMRA; NMSA 1978, § 62-11-1 (1993).

I. BACKGROUND

{5} As we are asked to resolve a dispute about the type of revenue decoupling required under Section 62-17-5(F)(2), we begin by situating the concept of revenue decoupling within the ratemaking process. We then summarize the underlying proceedings as relevant to this appeal.

A. Revenue Decoupling as Situated Within the Ratemaking Process

{6} Briefly stated, revenue decoupling is a type of rate regulation that reforms the way that a public utility collects revenue. When regulating a utility’s rates under the

¹ Under the EUEA, “energy efficiency” means measures, including energy conservation measures, or programs that target consumer behavior, equipment or devices to result in a decrease in consumption of electricity and natural gas without reducing the amount or quality of energy services.” NMSA 1978, § 62-17-4(F) (2019). “[L]oad management” means measures or programs that target equipment or devices to result in decreased peak electricity demand or shift demand from peak to off-peak periods.” Section 62-17-4(H).

Public Utility Act (PUA), NMSA 1978, §§ 62-1-1 to 62-6-28 and 62-8-1 to 62-13-16 (1979, as amended through 2021), the Commission typically begins by evaluating a revenue requirement for the utility, which is an amount of future revenue to be collected by the utility that is determined to be just and reasonable. See *In re Petition of PNM Gas Servs. (PNM Gas)*, 2000-NMSC-012, ¶¶ 6-8, 129 N.M. 1, 1 P.3d 383; § 62-8-1 (“Every rate made, demanded or received by any public utility shall be just and reasonable.”). The just and reasonable standard requires the Commission to set rates that are “neither unreasonably high so as to unjustly burden ratepayers with excessive rates nor unreasonably low so as to constitute a taking of property without just compensation or a violation of due process by preventing the utility from earning a reasonable rate of return on its investment.” *Pub. Serv. Co. of N.M. v. N.M. Pub. Regul. Comm’n (PNM)*, 2019-NMSC-012, ¶ 10, 444 P.3d 460 (internal quotation marks and citation omitted). “Under the PUA, a rate is just and reasonable when it balances the investor’s interest against the ratepayer’s interest. Only when a rate falls within a zone of reasonableness between utility confiscation and ratepayer extortion can the rate be just and reasonable.” *N.M. Att’y Gen. v. N.M. Pub. Regul. Comm’n*, 2011-NMSC-034, ¶ 13, 150 N.M. 174, 258 P.3d 453 (ellipsis, internal quotation marks, and citation omitted).

{7} After approving a revenue requirement for a utility, the Commission next designs rates that will provide “the utility a reasonable opportunity to recover its revenue requirement and that fairly distributes just and reasonable rates between different classes of ratepayers.” *PNM Gas*, 2000-NMSC-012, ¶ 89. Historically, the Commission has not been “required to rely on any one rate-design method,” *N.M. Att’y Gen. v. N.M. State Corp. Comm’n*, 1996-NMSC-002, ¶ 33, 121 N.M. 156, 909 P.2d 716, and has been granted considerable discretion in designing rates, *PNM Gas*, 2000-NMSC-012, ¶ 99. We have recognized several policy factors that are relevant to rate design, such as the cost of service, the value of service, conservation, competition, comparison with other rates in the geographic area, continuity, stability, and gradualism that avoids rate shock. *Id.* ¶¶ 100-02; see also *Mountain States Tel. & Tel. Co. v. N.M. State Corp. Comm’n*, 1977-NMSC-032, ¶ 73, 90 N.M. 325, 563 P.2d 588 (listing “various types of evidence that merit consideration” in designing rates in the context of a telephone utility application). This Court has specifically “discouraged the use of cost of service as

a sole criterion in designing rates.” *PNM Gas*, 2000-NMSC-012, ¶ 100.

{8} Traditionally, the Commission has fixed rates with the expectation that the utility will collect the majority of its approved revenue through a predicted quantity of sales. This traditional regulatory approach creates disincentives for utilities to invest in energy efficiency and load management, as any decrease in energy consumption will contribute to a decrease in sales. Regulatory Assistance Project, *Revenue Regulation & Decoupling: A Guide to Theory & Application* 1-2 (2016) (hereinafter *RAP, Revenue Regulation*).² Revenue decoupling seeks to eliminate or reduce these regulatory disincentives by breaking the traditional link between a utility’s revenue collections and its sales. *Id.* 2.

{9} With revenue decoupling, the Commission will still approve a revenue requirement for a utility and will design rates in a way that fairly allocates revenue collections between the ratepayer classes and permits the utility a reasonable opportunity to recover its revenue requirement. *PNM Gas*, 2000-NMSC-012, ¶ 89. In addition, the Commission will approve a mechanism that will automatically or semiautomatically adjust rates based on variations between approved revenue and actual sales. *RAP, Revenue Regulation* 3-4, 8-9. As contemplated by the EUEA, the decoupling mechanism will be “a separately identified tariff rider that shall not be used to collect commission-approved energy efficiency and load management program costs and incentives.” Section 62-17-5(F)(2); see also *N.M. Att’y Gen. v. N.M. Pub. Regul. Comm’n*, 2015-NMSC-032, ¶ 32, 359 P.3d 133 (“Riders are surcharges applied to directly recover specific costs.”). The mechanism will essentially act as a true-up rider, see *RAP, Revenue Regulation* 11, raising or lowering rates to ensure that the utility collects the amount of revenue that the Commission has approved for the utility to collect under the mechanism. The decoupling mechanism thereby renders the utility fully or partially neutral towards energy efficiency and load management, as the utility will recover the approved amount of revenue despite potential declines in sales. *Id.* at 2.

{10} The parties to this appeal all agree that Section 62-17-5(F)(2) describes a revenue decoupling mechanism. The parties disagree, however, as to what type of revenue decoupling mechanism is described. Revenue decoupling mechanisms are generally categorized into one of three different types: full revenue decoupling mechanisms, limited revenue decoupling

mechanisms, and partial revenue decoupling mechanisms. *RAP, Revenue Regulation* 11-13. The different types generally reflect the amount or kinds of revenue that the utility may collect under the mechanism. Based on the posture of the parties in this appeal, we are concerned only with full or partial revenue decoupling mechanisms: Appellants argue that the plain language of Section 62-17-5(F)(2) mandates approval of a full revenue decoupling mechanism; the Commission defends its conclusion that Section 62-17-5(F)(2) permits approval of a partial revenue decoupling mechanism.

{11} With a full revenue decoupling mechanism, a utility will recover the total amount of approved revenue through the mechanism. See *RAP, Revenue Regulation* 11-12. Any deviations between actual sales and approved revenue will result in a full reconciliation. *Id.* 12. For example, if the utility experiences a \$2 million shortfall because actual sales do not match approved revenue, the full decoupling mechanism will adjust rates so that the utility recovers the \$2 million shortfall. As explained by the Regulatory Assistance Project,

Full decoupling can be likened to the setting of a budget. Through currently used rate-case methods, a utility’s revenue requirement—i.e., the total revenues it will need in a period (typically, a year) to provide safe, adequate, and reliable service—is determined. The utility then knows exactly how much money it will be allowed to collect, no more, no less. Its profitability will be determined by how well it operates within that budget. Actual sales levels will not, however, have any impact on the budget.

Id. 11. Full revenue decoupling insulates a utility’s revenue collections from losses or excesses in the quantity of sales, even if those losses or excesses are due to weather fluctuations, ordinary business risks, or factors other than energy efficiency and load management. *Id.* 35. “[N]o matter the amount of consumption, the utility and the consumers as a whole will receive and pay the allowed revenue.” *Id.*

{12} Partial revenue decoupling works similarly to full revenue decoupling, but the utility recovers only a portion or percentage of approved revenue through the decoupling mechanism. *Id.* 12. Thus, in partial revenue decoupling, “[a]ny variation in sales results in a partial true-up of utility revenues (e.g., 50%, or 90%, of the revenue shortfall is recovered).” *Id.* For

² Available at <https://www.raponline.org/wp-content/uploads/2023/09/rap-revenue-regulation-decoupling-guide-second-printing-2016-november.pdf> (last visited May 1, 2024).

example, if the utility experiences a \$2 million shortfall because actual sales do not match approved revenue, the mechanism will adjust rates so that the utility recovers a specified percentage of the shortfall, such as 50% or \$1 million. Thus, unlike full revenue decoupling, partial revenue decoupling insulates only a portion of the utility's collections from revenue losses due to various business risks. *Id.*

B. The Underlying Proceedings

{13} The declaratory proceedings on appeal have their genesis in a petition filed by PNM in 2020 which requested the Commission's approval of Shared Cost of Service Rider No. 52 (Rider No. 52) applicable to its residential and small commercial classes. Rider No. 52 contained a full revenue decoupling mechanism which ensured that the revenue approved in PNM's 2015 general rate case would be recovered by PNM without regard to the quantity of electricity sold. Several parties intervened in the proceedings and objected to the proposed rider on various grounds, including on the grounds that the rider relied on stale data and was not related to removing regulatory disincentives to PNM's expenditures in energy efficiency and load management. In view of the dispute about the legal basis for the rider, PNM moved to vacate a public hearing on proposed Rider No. 52 and to stay proceedings on its petition so that it could file a declaratory proceeding on the meaning of Section 62-17-5(F)(2) and other recent amendments to the EUEA. The Hearing Examiner entered an order vacating hearings and staying the proceedings on the petition.

{14} PNM and several other parties then requested a declaratory order from the Commission on the legal issues identified in the earlier proceedings. The Commission agreed that a declaratory order was appropriate and ordered briefing on the issues. In briefing and oral argument, PNM, CCAE, REIA, and one other party argued that the plain language of Section 62-17-5(F)(2) compelled the Commission to approve a full revenue decoupling mechanism. Several other parties argued that Section 62-17-5(F)(2) allowed the Commission to approve a limited revenue decoupling mechanism that would permit PNM to recover revenue lost due to energy efficiency and load management.

{15} The Hearing Examiner assigned to the declaratory proceedings issued a Recommended Decision suggesting that Section 62-17-5(F)(2) did not compel the Commission to approve a full revenue decoupling mechanism. The Hearing Examiner described revenue decoupling as "a ratemaking and regulatory tool intended to break the link between a utility's recovery of fixed costs and a consumer's energy

consumption by reducing the impact of energy consumption on a utility's recovery of its fixed costs." The Hearing Examiner explained that full revenue decoupling "severs the connection between a utility's sales and revenues no matter the reason for variation in the utility's sales[and] has been likened to setting a budget for the utility."

{16} Although the Hearing Examiner acknowledged that a literal reading of Section 62-17-5(F)(2) contemplated approval of a full decoupling mechanism, the Hearing Examiner rejected that reading because Section 62-17-5(F)(2) is "ostensibly ambiguous in two instances but genuinely ambiguous in only one fundamental way." As to the first asserted ambiguity, the Hearing Examiner concluded that the phrase "remove regulatory disincentives" as used in Section 62-17-5(F)(2) makes the statute "superficial[ly]" ambiguous. The Hearing Examiner suggested that PNM's interpretation of the phrase to mandate adoption of a full revenue decoupling mechanism would "shoehorn an all-encompassing definition of regulatory disincentives to fit their predestined conception of *mandatory* full revenue decoupling whenever a utility petitions for the removal of such disincentives." The Hearing Examiner recommended that the Commission construe "remove regulatory disincentives" as used in Section 62-17-5(F)(2) in harmony with identical language used in Section 62-17-5(F)(1) and Section 62-17-3 to require the Commission to "balance[] the public interest, consumers' interests, and investors' interests" in approving a decoupling mechanism.

{17} As to the second perceived ambiguity, the Hearing Examiner concluded that interpreting Section 62-17-5(F)(2) to command the Commission to grant a utility's petition for full revenue decoupling "flatly contradicts" this balancing requirement and the just and reasonable standard of the PUA. The Hearing Examiner reasoned that reading "a single, isolated subsection of the EUEA that includes generic decoupling language" to strip the Commission of authority to set just and reasonable rates is absurd and contradictory. The Hearing Examiner also rejected the contention that full revenue decoupling was consistent with the setting of a just and reasonable rate, suggesting instead that full revenue decoupling is "unharmonizable and irreconcilable" with the just and reasonable standard. The Hearing Examiner asserted that this absurdity and contradiction support rejection of the plain language of Section 62-17-5(F)(2).

{18} However, the Hearing Examiner acknowledged the necessity to "come to grips with the fact that Section 62-17-5(F)(2) unmistakably incorporates the concept of

decoupling." The Hearing Examiner thus attempted to "harmonize the decoupling language in [Section 62-17-5(F)(2)] with the entirety of the EUEA and applicable rate-setting principles enshrined in the PUA." To this end, the Hearing Examiner turned to "a third alternative" to full or limited revenue decoupling that is "evident in the literature propounded [by the parties]: *partial* decoupling." The Hearing Examiner explained, quoting RAP, *Revenue Regulation* 12, "Partial decoupling insulates only a portion of the utility's revenue collections from deviations of actual from expected sales." The Hearing Examiner suggested that a partial revenue decoupling mechanism is consistent with Section 62-17-5(F)(2) and also "affords the Commission the discretion to perform the balancing of interests tests called for in the EUEA and integral to the Commission's rate-setting authority under the PUA."

{19} The Commission subsequently entered its declaratory order accepting, approving, and adopting the Recommended Decision. The Commission explained that a full revenue decoupling mechanism will "have effects that far exceed the stated purpose of [Section 62-17-5(F)(2)], which is to 'remove regulatory disincentives.'" The Commission likewise viewed full revenue decoupling as "a radical departure from the regulatory paradigm established in the PUA, eliminating ordinary business risks to which public utilities are subject." The Commission also rejected an interpretation of Section 62-17-5(F)(2) "that would eliminate the Commission's authority to balance the interests of ratepayers, investors and the public," explaining that the Legislature would have more clearly expressed an intent to eliminate this authority "in amendments to the EUEA [and] the PUA." The Commission therefore concluded that a partial revenue decoupling mechanism "is consistent with the stated purpose of removing regulatory disincentives."

{20} PNM appeals from the Commission's declaratory order pursuant to Section 62-11-1 and Rule 12-601. CCAE and REIA also appeal, and we have consolidated the appeals.

II. STANDARD OF REVIEW

{21} On appeal of orders from the Commission, our review is limited to determining "whether the Commission's decision is arbitrary and capricious, not supported by substantial evidence, outside the scope of the agency's authority, or otherwise inconsistent with law." *PNM*, 2019-NMSC-012, ¶ 12 (brackets, internal quotation marks, and citation omitted). The party appealing an order from the Commission bears the burden "to show that the order appealed from is unreasonable, or unlawful." Section 62-11-4.

{22} Appellants raise pure questions of law in challenging the Commission's construction of Section 62-17-5(F)(2). We review questions of law de novo. *Pub. Serv. Co. of N.M. v. N.M. Pub. Util. Comm'n*, 1999-NMSC-040, ¶ 14, 128 N.M. 309, 992 P.2d 860. We have explained that, when reviewing an order from the Commission construing its governing statute, we "will begin by according some deference to the agency's interpretation." *Morningstar Water Users Ass'n v. N.M. Pub. Util. Comm'n*, 1995-NMSC-062, ¶ 11, 120 N.M. 579, 904 P.2d 28. However, because "[s]tatutory construction is not a matter within the purview of the [Commission's] expertise," we will grant little deference to the Commission's interpretation of an unambiguous statute. *Albuquerque Bernalillo Cnty. Water Util. Auth. v. N.M. Pub. Regul. Comm'n*, 2010-NMSC-013, ¶ 50, 148 N.M. 21, 229 P.3d 494 (internal quotation marks and citation omitted). We are more likely to accord heightened deference to the Commission's interpretation "if the relevant statute is unclear or ambiguous, the legal questions presented implicate special agency expertise or the determination of fundamental policies within the scope of the agency's statutory function, and it appears that the agency has been delegated policy-making authority in the area." *Doña Ana Mut. Domestic Water Consumers Ass'n v. N.M. Pub. Regul. Comm'n*, 2006-NMSC-032, ¶ 10, 140 N.M. 6, 139 P.3d 166 (internal quotation marks and citations omitted); *accord New Energy Econ., Inc. v. N.M. Pub. Regul. Comm'n*, 2018-NMSC-024, ¶ 25, 416 P.3d 277. But our "deference does not give [the Commission] the authority to pour any meaning it desires into the statute." *State ex rel. Sandel v. N.M. Pub. Util. Comm'n*, 1999-NMSC-019, ¶ 17, 127 N.M. 272, 980 P.2d 55 (internal quotation marks and citation omitted). We will reverse the Commission "if the agency's interpretation of a law is unreasonable or unlawful." *Morningstar*, 1995-NMSC-062, ¶ 11.

III. DISCUSSION

{23} We must construe Section 62-17-5(F)(2) to determine what type of revenue decoupling it prescribes. The parties' arguments also reveal a deeper disagreement about the extent of the Commission's power to review and potentially modify a decoupling mechanism sought under Section 62-17-5(F)(2). We therefore additionally address the scope of the Commission's authority under Section 62-17-5(F)(2) as necessary to our disposition of the issues.

{24} When considering a question of statutory construction, we begin with the maxim, "The text of a statute or rule is the primary, essential source of its meaning." NMSA 1978, § 12-2A-19 (1997). Under "the plain meaning rule," a statute is "to

be given effect as written without room for construction unless the language is doubtful, ambiguous, or an adherence to the literal use of the words would lead to injustice, absurdity or contradiction, in which case the statute is to be construed according to its obvious spirit or reason." *State v. Davis*, 2003-NMSC-022, ¶ 6, 134 N.M. 172, 74 P.3d 1064; *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶¶ 23-24, 117 N.M. 346, 871 P.2d 1352. If a term or phrase is not defined in a statute, we interpret the term according to its ordinary dictionary meaning absent a legislative intent to impose a contrary meaning. *N.M. Att'y Gen. v. N.M. Pub. Regul. Comm'n*, 2013-NMSC-042, ¶ 26, 309 P.3d 89. We are also cognizant that words do not have intrinsic meanings, and "[a] word is merely a symbol which can be used to refer to different things." *Helman*, 1994-NMSC-023, ¶ 24 (internal quotation marks and citation omitted). We therefore construe words and phrases as used in the context of the whole statute and ensure that no part of the statutory language is rendered superfluous. *State v. Vest*, 2021-NMSC-020, ¶ 18, 488 P.3d 626.

{25} As relevant to our analysis, Section 62-17-5(F)(1)-(2) provides that the Commission shall:

(1) upon petition or its own motion, identify and remove regulatory disincentives or barriers for public utility expenditures on energy efficiency and load management measures in a manner that balances the public interest, consumers' interests and investors' interests;

(2) upon petition by a public utility, remove regulatory disincentives through the adoption of a rate adjustment mechanism that ensures that the revenue per customer approved by the commission in a general rate case proceeding is recovered by the public utility without regard to the quantity of electricity or natural gas actually sold by the public utility subsequent to the date the rate took effect. Regulatory disincentives removed through a rate adjustment mechanism shall be separately calculated for the rate class or classes to which the mechanism applies and collected or refunded by the utility through a separately identified tariff rider that shall not be used to collect commission-approved energy efficiency and load management program costs and incentives.

Appellants argue that Section 62-17-5(F)(2) clearly describes a full revenue decoupling mechanism, as only full revenue decoupling will permit a utility to recover the approved amount of revenue "without regard to the quantity of electricity or natural gas actually

sold by the public utility." In response, the Commission asserts that "partial decoupling is consistent with the 'without regard' language in [Section 62-17-5(F)(2)] because partial decoupling, like full decoupling, ensures that a utility recovers the cost of providing electricity without connection to the quantity of energy sold, just not to the extent allowed by full decoupling."

{26} We conclude that Section 62-17-5(F)(2) clearly describes a full revenue decoupling mechanism. In full revenue decoupling, a utility recovers the total amount of approved revenue under the decoupling mechanism, with no attention paid to the quantity of actual sales. *RAP, Revenue Decoupling* 11-12. In partial revenue decoupling, a portion of the utility's approved revenue will still be recovered with reference to the quantity of sales. *Id.* 12. For example, if a utility experiences a revenue shortfall, only a percentage of that shortfall will be recovered by the utility under a partial revenue decoupling mechanism. Thus, only a full revenue decoupling mechanism will ensure that the utility recovers approved revenue "without regard to the quantity of electricity or natural gas actually sold." Section 62-17-5(F)(2); *see also* *regard*, *Black's Law Dictionary* (11th ed. 2019) ("regard n. (14c) 1. Attention, care or consideration <without regard for the consequences>"). More to the point, we find nothing in the statutory language which would support the partial or percentage approach to decoupling that would be implemented by the Commission's interpretation of Section 62-17-5(F)(2). The statute does not say that the Commission shall approve a rate adjustment mechanism which ensures that the utility recovers only a part or percentage of approved revenue without regard to the quantity of sales. We will not read language into a statute that is not there, especially if the statutory language makes sense as written. *Sandel*, 1999-NMSC-019, ¶ 17.

{27} The Commission nevertheless reasons that Section 62-17-5(F)(2) is ambiguous because of the phrase "remove regulatory disincentives." We agree that this phrase is not clearly defined, but we do not agree that the phrase injects ambiguity into the statute with respect to the type of decoupling mechanism required. Although "remove regulatory disincentives" is not defined in the EUEA, the phrase is used in the preceding Section 62-17-5(F)(1) in a manner similar to its use in Section 62-17-5(F)(2). It is considered "a normal rule of statutory construction to interpret identical words used in different parts of the same act as having the same meaning." *State v. Jade G.*, 2007-NMSC-010, ¶ 28, 141 N.M. 284, 154 P.3d 659 (brackets, internal quotation marks, and citation omitted). We therefore presume that the phrase is used in parallel in both Subsections (F)(1) and (F)(2) of Section 62-17-5. We also note that Section 62-17-3 explains that the EUEA's

purpose is, in part, to remove “regulatory disincentives to public utility development of cost-effective energy efficiency and load management . . . in a manner that balances the public interest, consumers’ interests and investors’ interests.” We construe statutes so as to “effectuate the legislative intent—the purpose or object—underlying the statute.” *Helman*, 1994-NMSC-023, ¶ 23. The phrase “remove regulatory disincentives” in Section 62-17-5(F)(2) must be interpreted in light of the purpose of the EUEA.

{28} We therefore agree with the Commission that “remove regulatory disincentives” in Section 62-17-5(F)(2) means to “remove regulatory disincentives or barriers for public utility expenditures on energy efficiency and load management measures in a manner that balances the public interest, consumers’ interests and investors’ interests.” Section 62-17-5(F)(1). But this construction does not change the meaning of Section 62-17-5(F)(2) with respect to the type of decoupling mechanism required. The statute still states that regulatory disincentives to energy efficiency and load management shall be removed “through the adoption of a rate adjustment mechanism that ensures that the revenue per customer approved by the commission . . . is recovered by the public utility without regard to the quantity of electricity or natural gas actually sold.” Section 62-17-5(F)(2) (emphasis added). This requisite element can only be met by a full revenue decoupling mechanism. Moreover, we note that full revenue decoupling essentially seeks to eliminate a utility’s incentive to sell more energy as a means to increase revenue. *RAP, Revenue Regulation 2*. Thus, full revenue decoupling is consistent with the legislative intent to “remove regulatory disincentives,” even though it may additionally insulate a utility’s revenue collections from other business risks. *Id.* 11, 35. The language of the statute is therefore clear with respect to the type of mechanism therein described, namely, a full revenue decoupling mechanism.

{29} The Commission nevertheless asks us to reject the plain language of Section 62-17-5(F)(2) as absurd and contradictory. PNM has suggested that the Commission will have no power to modify a full revenue decoupling mechanism proposed under Section 62-17-5(F)(2) but that the Commission is to assume that the Legislature has already balanced the interests of the public, consumers, and investors by mandating full revenue decoupling. The Commission asserts that PNM’s interpretation would essentially strip the Commission of its power to balance these interests in setting just and reasonable rates. The Commission insists, however, that it must be given this power, as such balancing is required by both the EUEA and the PUA. The Commission suggests that partial revenue decoupling is a permissible harmonizing solution to a supposed

quandary, allowing the Commission to both approve a decoupling mechanism and conduct this necessary balancing of interests. On the other hand, appellants CCAE and REIA assert that full revenue decoupling is compatible with this balancing of interests because “the Commission can (and should) still determine whether” any proposed full revenue decoupling mechanism “will result in a just and reasonable rate.”

{30} We agree with CCAE and REIA. The plain language of Section 62-17-5(F)(2) can be applied harmoniously with the balancing requirements and the just and reasonable standard of the PUA and EUEA. Consistent with our analysis of the statutory language, we specifically reject any interpretation of Section 62-17-5(F)(2) that strips the Commission of its power to ensure that a proposed full revenue decoupling mechanism balances the interests of the public, the consumers, and the utility’s investors and results in just and reasonable rates. If we accept PNM’s interpretation limiting the Commission’s regulatory powers, then we have to either read Section 62-17-5(F)(2) in isolation or assume that, in enacting the statute, the Legislature intended to repeal the balancing standards at the heart of the EUEA and PUA by mere implication. But we do not read statutes in isolation. *Pub. Serv. Co. of N.M.*, 1999-NMSC-040, ¶ 23 (“In ascertaining legislative intent, the provisions of a statute must be read together with other statutes in *pari materia* under the presumption that the legislature acted with full knowledge of relevant statutory and common law.” (internal quotation marks and citation omitted)). Further, “repeals by implication are not favored,” *Citizens for Fair Rates & the Env’t v. N.M. Pub. Regul. Comm’n*, 2022-NMSC-010, ¶ 65, 503 P.3d 1138 (brackets, internal quotation marks, and citation omitted), and the “legislative intent to repeal a prior statute must be clear and manifest,” *State v. Sena*, 2023-NMSC-007, ¶ 25, 528 P.3d 631 (internal quotation marks and citation omitted). The Legislature has not clearly expressed an intent to repeal the balancing language of the EUEA or the just and reasonable standard of the PUA, and thus Section 62-17-5(F)(2) does not work the repeal by implication that PNM suggests.

{31} Indeed, as the Commission recognizes, interpreting Section 62-17-5(F)(2) to compel the Commission to approve a full revenue decoupling mechanism simply on petition by an interested utility—with no consideration of the interests affected by the mechanism or its effect on rates—would drastically transform the nature of the Commission’s power over public utilities under the EUEA and the PUA. But there is no indication that the Legislature intended such a drastic transformation by mandating approval of a full revenue decoupling mechanism in Section 62-17-5(F)(2). Rather,

the history of the statute confirms that the Legislature clearly intended for the Commission to have the power to balance the interests of the public, consumers, and investors before approving any full revenue decoupling mechanism. *See Vest*, 2021-NMSC-020, ¶ 34 (explaining that in construing the intent of a statute, we may “rely on the language of the statute as passed and the history of the statute insofar as any amendments may have been made”).

{32} The EUEA was first enacted in 2005. 2005 N.M. Laws, ch. 341, §§ 1-11. At the time of its enactment, the EUEA’s stated purpose was to encourage utilities to “include cost-effective energy efficiency and load management investments in their energy resource portfolios” and to eliminate “regulatory disincentives” to utility investments in energy efficiency and load management. 2005 N.M. Laws, ch. 341, § 3; § 62-17-3 (2005). In pursuit of this purpose, the 2005 version of Section 62-17-5(F) directed the Commission to “identify any disincentives or barriers that may exist for public utility expenditures on energy efficiency and load management and, if found, ensure that they are eliminated in order that public utilities are financially neutral in their preference for acquiring demand or supply-side utility resources.” 2005 N.M. Laws, ch. 341, § 5(F).

{33} In 2008, the Legislature amended the purpose of the EUEA to provide that regulatory disincentives to the development of energy efficiency and load management were to “be removed in a manner that balances the public interest, consumers’ interests and investors’ interests” and that the Commission must give utilities an opportunity to earn a profit on energy efficiency and load management. 2008 N.M. Laws, ch. 24, § 4; § 62-17-3 (2008). The Legislature also amended Section 62-17-5(F) to emphasize that the Commission was to remove regulatory disincentives to utility expenditures on energy efficiency and load management in a manner that balances stakeholders’ interests:

The commission shall, upon petition or its own motion, identify regulatory disincentives or barriers for public utility expenditures on energy efficiency and load management measures and ensure that they are removed in a manner that balances the public interest, consumers’ interests and investors’ interests. The commission shall also provide public utilities an opportunity to earn a profit on cost-effective energy efficiency and load management resource development that, with satisfactory program performance, is financially more attractive to the utility than supply-side utility resources.

2008 N.M. Laws, ch. 24, § 6(F); § 62-17-5(F)

(2008) (emphasis added). In *Att’y Gen.*, 2011-NMSC-034, ¶¶ 13, 15, we explained that the EUEA’s balancing requirements mirrored the PUA’s requirement: “Every rate made, demanded or received by any public utility shall be just and reasonable.” Section 62-8-1. We likewise noted that any rate approved under the EUEA fell within the PUA’s broad definition of a “rate.” See *Att’y Gen.*, 2011-NMSC-034, ¶¶ 11, 15; see also § 62-3-3(H) (defining “rate” as “every rate, tariff, charge or other compensation for utility service rendered or to be rendered by a utility and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, tariff, charge or other compensation and any schedule or tariff or part of a schedule or tariff thereof”). We therefore “read the EUEA in harmony with the PUA to conclude that when the [Commission] sets a rate, the Legislature intended the balancing requirement of the EUEA to be the same as the balancing done under the PUA to determine just and reasonable rates.” *Att’y Gen.*, 2011-NMSC-034, ¶ 15.

{34} The Legislature substantially revised Section 62-17-5(F) to its present form in 2019 and 2020. 2019 N.M. Laws, ch. 202, § 2; 2020 N.M. Laws, ch. 17, § 1. Notably, in amending Section 62-17-5(F), the Legislature kept the balancing requirements of the 2008 version of the statute in Section 62-17-5(F)(1). Also importantly, in making these amendments, the Legislature did not amend the stated policy of the EUEA. Thus, Section 62-17-3 still provides that the purpose of the EUEA is to remove regulatory disincentives to utility expenditures in energy efficiency and load management “in a manner that balances the public interest, consumers’ interests and investors’ interests.”

{35} We generally presume that the Legislature is well informed about existing law when it enacts or amends a statute. *State v. Wilson*, 2021-NMSC-022, ¶ 64, 489 P.3d 925. In substantially amending Section 62-17-5(F) to its present form, the Legislature did not amend the balancing requirements of the EUEA or the just and reasonable standard of the PUA. Our holding in *Att’y Gen.*, 2011-NMSC-034, ¶ 15, thus extends to any rate sought under the EUEA, including any rate adjustment mechanism sought under Section 62-17-5(F)(2). The Commission must balance the interests of the public, consumers, and investors before approving a full revenue decoupling mechanism under Section 62-17-5(F)(2) by ensuring that the mechanism will result in just and reasonable rates.

{36} Unlike the Commission, we do not view full revenue decoupling as inconsistent or incompatible with this balancing of interests and the setting of just and reasonable rates. We have repeatedly emphasized that whether a rate is just and reasonable depends on whether the rate falls within the zone of

reasonableness between utility confiscation and ratepayer extortion. See *Att’y Gen.*, 2011-NMSC-034, ¶¶ 13, 18-19. We have found nothing in the record or regulatory literature cited by the parties which suggests that the Commission or utilities will be unable to meet this standard with a full revenue decoupling mechanism in place. For example, even with the adoption of a full revenue decoupling mechanism, the Commission must still calculate and approve a utility’s revenue requirement in a way that balances the interests of ratepayers and the utility’s investors and ensures just and reasonable rates. See *PNM Gas*, 2000-NMSC-012, ¶¶ 6-8; RAP, *Revenue Regulation 9* (“With decoupling there is no change in the rate case methodology Initial prices are still set by the regulator, based on a computed revenue requirement.”). Similarly, the Commission must also consider relevant policy factors and interests in allocating the utility’s revenue collections among the ratepayer classes and in designing rates. See *Mountain States*, 1977-NMSC-032, ¶¶ 27, 73 (noting that “there is a great measure of public policy that enters into the apportionment of rates” and listing factors relevant to rate design); RAP, *Revenue Regulation 24-30* (discussing policy considerations in relation to rate design with a decoupling mechanism). Full revenue decoupling will ensure that the utility collects the amount of revenue that the Commission has approved for the utility to collect, no more and no less. RAP, *Revenue Regulation 11*. We are certain that the Commission and utilities will be able to apply Section 62-17-5(F)(2) in a way that balances the interests of the public, consumers, and investors and is consistent with the duty to set just and reasonable rates.

{37} The Commission rejected the plain language of Section 62-17-5(F)(2) because it believes that full revenue decoupling will radically shift utility regulatory policy by eliminating the usual business risks attendant to a public utility’s operations. A full revenue decoupling mechanism will insulate a utility from revenue losses caused by a variety of factors, including losses due to energy efficiency and load management, weather fluctuations, global pandemics, or other economic shifts. RAP, *Revenue Regulation 11*, 35. We express no opinion about these potential policy implications. However, the Commission’s policy concerns do not provide a valid basis on which to reject the clear directives of our Legislature. See *Sandel*, 1999-NMSC-019, ¶ 28; see also *State ex rel. Egolf v. N.M. Pub. Regul. Comm’n*, 2020-NMSC-018, ¶ 33, 476 P.3d 896. “[W]hile the New Mexico Constitution delegates to the Commission the exclusive responsibility for carrying out public utility regulatory policy, the parameters of that policy are, in the first instance, for the Legislature to decide.” *Citizens for Fair Rates*, 2022-NMSC-010, ¶ 45.

{38} We therefore hold that the Commission may review the reasonableness of any full revenue decoupling mechanism proposed under Section 62-17-5(F)(2). A utility petitioning for the mechanism will bear the burden to show that the proposed mechanism will result in just and reasonable rates. Section 62-8-7(A). If the Commission finds the proposed mechanism to be unjust or unreasonable, then the Commission may modify the mechanism or deny the utility’s Section 62-17-5(F)(2) petition as provided for in Section 62-8-7(D). See *Albuquerque v. N.M. Pub. Serv. Comm’n*, 1993-NMSC-021, ¶ 23, 115 N.M. 521, 854 P.2d 348 (explaining that Section 62-8-7(D) “sets forth the procedure to be followed when the Commission determines that a proposed rate is unjust or unreasonable”). We similarly emphasize that the utility must prove that the mechanism will “remove regulatory disincentives or barriers for public utility expenditures on energy efficiency and load management measures.” Section 62-17-5(F)(1), (2); § 62-17-3. We understand this proof to require the utility to demonstrate that rate regulation has created disincentives or barriers to the utility’s expenditures in energy efficiency and load management that will be alleviated through the adoption of a full revenue decoupling mechanism. The utility may not prove its need for the mechanism based on revenue losses due to other factors or business risks. Further, Section 62-17-5(F)(2) contemplates that the Commission will approve a revenue per customer to be collected by the mechanism “in a general rate case proceeding.” We therefore clarify that a petition for a full revenue decoupling mechanism under Section 62-17-5(F)(2) should be tied to a general rate case.

IV. CONCLUSION

{39} In Section 62-17-5(F)(2), the Legislature has clearly expressed an intent to permit a utility to petition for a full revenue decoupling mechanism that will remove regulatory disincentives or barriers to utility expenditures in energy efficiency and load management in a manner that balances the public interest, consumers’ interests, and investors’ interests. We can see no injustice, absurdity, or contradiction in that clearly expressed legislative intention. We therefore vacate and annul the Commission’s declaratory order due to its unlawful and unreasonable construction of Section 62-17-5(F)(2).

{40} IT IS SO ORDERED.

MICHAEL E. VIGIL, Justice

WE CONCUR:

DAVID K. THOMSON, Chief Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 7/23/2024

No. A-1-CA-40820

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

AARON BAHR,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT
OF SAN JUAN COUNTY**

Karen L. Townsend, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

Van Snow, Assistant Attorney General
Albuquerque, NM

for Appellee

Harrison & Hart, LLC
Nicholas T. Hart
Albuquerque, NM

for Appellant

► Introduction of Opinion

Following a jury trial, Defendant Aaron Bahr was convicted on one count of criminal sexual penetration of a minor in the first degree (child under thirteen years of age) (CSPM), contrary to NMSA 1978, Section 30-9-11(D)(1) (2009), and two counts of attempted CSPM, contrary to Section 30-9-11(D)(1) and NMSA 1978, Section 30-28-1(A) (1963, amended 2024). On appeal, Defendant argues that (1) the State presented insufficient evidence to support his conviction for CSPM, and (2) the statute of limitations barred one of his convictions for attempted CSPM. We affirm.

Megan P. Duffy, Judge

WE CONCUR:

J. Miles Hanisee, Judge

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

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-40820>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 7/29/2024

No. A-1-CA-40387

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

EMA FERRAN-SANDOVAL,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT
OF SAN JUAN COUNTY**

Karen L. Townsend, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

Van Snow, Assistant Solicitor General

Albuquerque, NM

for Appellee

The Law Office of Ryan J. Villa

Richelle Anderson

Albuquerque, NM

for Appellant

► Introduction of Opinion

The issues raised in this appeal arise from the use of a uniform jury instruction regarding child abuse that includes an element and terms that the child abuse statute does not. A jury convicted Defendant Ema Ferran-Sandoval of permitting the child abuse of a four-year-old Child, contrary to NMSA 1978, Section 30-6-1(D), (E) (2009). Defendant argues that the omission of the terms “parent,” “guardian,” and “custodian,” in element 4 of the child abuse instruction, UJI 14-612 NMRA, rendered the instruction incomplete and ambiguous and constituted fundamental error because those terms inform the jury what it means to “accept responsibility” for a child. Defendant also contends that the evidence was insufficient to sustain her conviction because the State failed to prove Defendant accepted responsibility for Child’s welfare.

{2} We affirm because the Legislature did not include the terms “parent,” “guardian,” or “custodian,” in Section 30-6-1(D) and accepting responsibility for the welfare of a child is not an element of permitting child abuse.

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Jacqueline R. Medina, Judge

I CONCUR:

Kristina Bogardus, Judge

Megan P. Duffy, Judge, concurring in result

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-40387>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 7/30/2024

No. A-1-CA-41198

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

MARIA HOLBERT,

Defendant-Appellee.

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

R. David Pederson, District Court Judge

Raúl Torrez, Attorney General

Teresa Ryan, Assistant Solicitor General
Santa Fe, NM

Leland M. Churan, Assistant Attorney General
Albuquerque, NM

for Appellant

Bennett J. Baur, Chief Public Defender

Tania Shahani, Assistant Appellate Defender
Santa Fe, NM

for Appellee

► Introduction of Opinion

Our Legislature has enacted statutory pathways to guide the steps of justice through the thicket of legal issues presented when a person's competency to stand trial is raised in a criminal case. NMSA 1978, §§ 31-9-1 to -2 (1967, as amended through 2023). The present case required the district court to walk part of that path, and it requires us to determine whether the district court misstepped. Defendant's competency became an issue after she was charged with aggravated assault with a deadly weapon, contrary to NMSA 1978, Section 30-3-2(A) (1963), unlawful taking of a motor vehicle, contrary to NMSA 1978, Section 30-16D-1 (2009), and use of a telephone to harass, threaten, annoy, or offend, contrary to NMSA 1978, Section 3020-12 (1967). After a forensic evaluation, see § 31-9-1.1, the district court found Defendant to be incompetent to stand trial but not dangerous under Section 31-9-1.2 and dismissed the criminal information with prejudice. The State appeals the district court's finding regarding dangerousness and additionally argues that the district court improperly dismissed the criminal charges with prejudice.

View full PDF online.

Katherine A. Wray, Judge

WE CONCUR:

Jacqueline R. Medina, Judge

Zachary A. Ives, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-41198>

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- ▶ Equity in Justice Courses
- ▶ On-Demand Library
- ▶ More September/October Programs

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New Mexico State Bar Foundation
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- ▶ Sept. 25:
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- ▶ Oct. 10:
Administrative Law Institute
- ▶ Oct. 25:
State Bar Annual Meeting
- ▶ Nov. 5:
Animal Law Institute
- ▶ Nov. 7:
Indian Law Institute
- ▶ Nov. 8:
10th Annual Symposium on Diversity & Inclusion
- ▶ Nov. 13:
Cannabis Law Institute
- ▶ Nov. 14:
Probate Law Institute
- ▶ Nov. 15:
Real Property Institute
- ▶ Nov. 19:
Business Law Institute
- ▶ Nov. 20:
ADR Institute
- ▶ Nov. 21:
Immigration Law Institute
- ▶ Dec. 3:
Ethics Advisory Committee (Mock Meeting)
- ▶ Dec. 3:
Lawyers Professional Liability Insurance Committee (LPLIC) Annual Course
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Family Guardian Ad Litem Training
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SEPTEMBER 26

**UNM Law Professor Series:
A True History of Public
Accommodation Law—
Contrasting Supreme Court
Approaches**
1.0 EIJ
Noon–1 p.m.
Webinar

SEPTEMBER 26

**Why Women Attorneys Get
Paid Less: What's Gender Bias
Got to Do With It**
1.0 EIJ
11 a.m.–Noon
Webinar

OCTOBER 17

**UNM Law Professor Series:
A Step Toward Solving the
Housing Crisis: Eviction Records
Sealing in New Mexico**
1.0 EIJ
Noon–1 p.m.
Webinar

OCTOBER 18

**Learn Mindfulness to Curtail
Implicit Bias and Make Ethical
Decisions**
1.0 EIJ
11 a.m.–Noon
Webinar

OCTOBER 29

**Battling Gender Bias: How
Bill Cosby and Other Sexual
Predators Escape Punishment**
1.0 EIJ
11 a.m.–Noon
Webinar

OCTOBER 30

**Key Foundations and
Frameworks for Diversity,
Equity, and Inclusion in the
Legal Field**
1.0 EIJ
Noon–1 p.m.
Webinar

Any Center for Legal Education programs designated as EIJ credit are pre-approved to meet the new Equity in Justice Credit requirement found in Rule 18-201(D) and (E) NMRA. In accordance with the Rule, excess EIJ credits "can be converted to be used toward the substantive (general) requirement."

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September/October CLE Programs

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2024 Elder Law Institute

3.7 G
10 a.m.–3 p.m.
In-Person & Webinar

SEPTEMBER 25

Maxims, Monarchy and Sir Thomas More

2.5 EP
11 a.m.–1:30 p.m.
Webinar

SEPTEMBER 25

Selling to Consumers – Sales, Finance, Warranty & Collection Law, Part 1

1.0 G
11 a.m.–Noon
Teleseminar

SEPTEMBER 26

Selling to Consumers – Sales, Finance, Warranty & Collection Law, Part 2

1.0 G
11 a.m.–Noon
Teleseminar

SEPTEMBER 27

2024 Fall Family Law Institute: Financial Issues for Family Law Practitioners

5.5 G; 1.0 EP
8:30 a.m.–4:30 p.m.
In-Person & Webinar

SEPTEMBER 27

Artificial Intelligence (AI) for Lawyers: Legal, Ethical, and Practical Issues

1.0 EP
11 a.m.–Noon
Webinar

OCTOBER 1

The Art of Advocacy

3.0 G
11 a.m.–2 p.m.
Webinar

OCTOBER 4

2024 Health Law Institute

3.0 G; 1.5 EIJ
9:30 a.m.–3 p.m.
In-Person & Webinar

OCTOBER 9

Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1

1.0 G
11 a.m.–Noon
Teleseminar

OCTOBER 10

Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2

1.0 G
11 a.m.–Noon
Teleseminar

OCTOBER 10

2024 Administrative Law Institute

5.0 G
8:45 a.m.–3:45 p.m.
In-Person & Webinar

OCTOBER 11

Subtenants in Commercial Leasing – How to Protect Your Client

1.0 G
11 a.m.–Noon
Teleseminar

OCTOBER 16

On the Horns of a Dilemma: Clarence Darrow and the McNamara Case

1.0 EP
11 a.m.–Noon
Webinar

OCTOBER 16

Don't Blink, or It Will Probably Change: The Latest in the Legal Profession's Use of Generative A.I.

1.0 EP
Noon–1 p.m.
Webinar

OCTOBER 16

Lincoln on Professionalism

1.3 EP
1 p.m.–2:20 p.m.
Webinar

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FORMAL OPINION

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Filing Date: 8/5/2024

No. A-1-CA-39780

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

MICHAEL ARGUELLO,

Defendant-Appellant.

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

Melissa A. Kennelly, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

Walter Hart, Assistant Attorney General
Albuquerque, NM

for Appellee

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

for Appellant

► Introduction of Opinion

Following a bench trial, Defendant Michael Arguello was convicted of driving under the influence of intoxicating liquor (DUI), impaired to the slightest degree, (NMSA 1978, § 66-8-102(A) (2016)) and careless driving (NMSA 1978, § 66-8-114(B) (1969)). On appeal, Defendant (1) contends various evidentiary errors occurred at his trial and the combination of these errors amount to cumulative error; (2) argues his convictions are not supported by sufficient evidence; and (3) challenges his convictions on double jeopardy grounds. Based on the district court's findings of fact, it is evident that the district court relied on the same evidence to convict Defendant of both careless driving and DUI. Defendant's conduct accordingly was unitary and his careless driving conviction was subsumed within his DUI conviction. We thus hold that Defendant's convictions for careless driving and DUI violate double jeopardy, reverse the careless driving conviction, and remand to the district court to vacate the same. We otherwise affirm.

Jennifer L. Attrep, Chief Judge

WE CONCUR:

Zachary A. Ives, Judge

Katherine A. Wray, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-39780>

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.

No. A-1-CA-41145
David Watermiller
v. Albuquerque Police
Department

Introduction of Opinion

Plaintiffs appeal the district court's order granting Defendants' Rule 1-012(B)(6) NMRA motion to dismiss Plaintiffs' complaint with prejudice. For the reasons that follow, we affirm.

Megan P. Duffy, Judge
WE CONCUR:
Gerald E. Baca, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41145>

No. A-1-CA-40792
Bradley Ryan
v. Edward Garrison II

Introduction of Opinion

Defendant Edward Garrison II, appeals from the district court's judgment in favor of Plaintiff Bradley Ryan after a bench trial on Plaintiff's claims of malicious abuse of process, intentional infliction of emotional distress, and defamation. **View full PDF online.**

Jacqueline R. Medina, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40792>

No. A-1-CA-41523
State of New Mexico
v. Monique A. Perez

Introduction of Opinion

Defendant Monique Martinez appeals from her convictions on two counts of possession of a dangerous drug, contrary to NMSA 1978, Section 26-1-26 (1987). Defendant argues that the jury was instructed on the misdemeanor level of the offense and the district court erred in sentencing her for two felony counts. She also asserts that the trial court committed plain error by allowing police officers to testify regarding their experiences with the drugs at issue. We reverse and remand to the district court to correct Defendant's illegal sentence, but otherwise affirm.

Megan P. Duffy, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41523>

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.

No. A-1-CA-39820
State of New Mexico
v. Brandon Villalobos

Introduction of Opinion

Following a jury trial, Defendant Brandon Villalobos was convicted of second degree murder and tampering with evidence. Defendant argues on appeal that (1) his right to a speedy trial was violated; (2) the district court incorrectly found him competent to stand trial; (3) the district court violated his right to equal protection; and (4) the district court abused its discretion in finding him not amenable to treatment. For the reasons that follow, we affirm as to all issues raised.

Gerald E. Baca, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Kristina Bogardus, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-39820>

No. A-1-CA-40481
State of New Mexico
v. Gary Gregor

Introduction of Opinion

Defendant Gary Gregor appeals his convictions of four counts of criminal sexual penetration of a minor (child under thirteen) (CSPM), contrary to NMSA 1978, Section 30-9-11(D)(1) (2009); and one count of criminal sexual contact of a minor (unclothed) (child under thirteen) (CSCM), contrary to NMSA 1978, Section 30-9-13(B)(1) (2003). On appeal, Defendant argues that the district court erred in permitting the State's expert witness to testify to grooming, which he asserts is outside the scope of her expertise and that such error harmed his defense. We affirm.

Kristina Bogardus, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40481>

No. A-1-CA-40403
Pedro G. Rael
v. Brandon Patterson

Introduction of Opinion

This case concerns a dispute about access along a deeded easement to real property owned by Pedro Rael and Lydia Piro (Plaintiffs). The case was filed to enjoin Brandon and Stephana Patterson, tenants of Ascension Financial Group, LLC, the owner of the burdened estate (collectively, Defendants) from blocking access to Plaintiffs' property with a gate and construction materials. This dispute was resolved by the agreement of the parties (after a preliminary injunction hearing) to a permanent injunction and easement appurtenant.

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Jane B. Yohalem, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Kristina Bogardus, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40403>

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.

No. A-1-CA-40750

**Kathleen M. Perlinski
v. USAA Casualty Insurance
Company**

Introduction of Opinion

Plaintiffs Kathleen Perlinski and Tatianna Perlinski appeal the district court's grant of summary judgment dismissing all of their contractual, statutory, and common law tort claims against Defendant USAA Casualty Insurance Company (USAA). Plaintiffs argue: (1) there are genuine issues of material fact requiring a trial on their uninsured motorist (UM) coverage claim; (2) there is a genuine issue of material fact regarding their bad faith claim based on the unreasonableness of USAA's investigation; (3) even if the district court did not err in rejecting their arguments regarding coverage and bad faith, the district court erred in dismissing Plaintiffs' other claims; and (4) Kathleen is a proper plaintiff. We affirm.

Michael D. Bustamante, Judge,
Retired, Sitting by designation.
WE CONCUR:
Kristina Bogardus, Judge
Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40750>

No. A-1-CA-40835

**State of New Mexico
v. Phillip Earl Scott**

Introduction of Opinion

After a jury trial, Defendant Phillip Earl Scott was convicted of attempted first degree murder and aggravated assault with a deadly weapon. See NMSA 1978, § 30-28-1 (1963, amended 2024) (attempt to commit a felony); NMSA 1978, § 30-2-1(A)(1) (1994) (first degree murder); NMSA 1978, § 30-3-2(A) (1963) (aggravated assault with a deadly weapon). On appeal, Defendant argues that (1) the district court erred by refusing to impose discovery sanctions; (2) fundamental error occurred because the prosecutor engaged in misconduct during closing argument; (3) double jeopardy principles prohibit Defendant from being convicted and sentenced for both offenses; (4) his right to effective assistance of counsel was violated; and (5) his right to due process was violated because of cumulative error. Unpersuaded, we affirm.

Zachary A. Ives, Judge
WE CONCUR:
Kristina Bogardus, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40835>

No. A-1-CA-40912

Michael Potras v. ADT Solar LLC

Introduction of Opinion

Plaintiff Michael Potras appeals the district court's order granting Defendant ADT Solar LLC's motion to compel arbitration following a contract dispute between the parties. Following a hearing, the district court found that the underlying contract (the Contract) contained an enforceable arbitration clause, granted Defendant's motion on such basis, and stayed the underlying proceedings pending completion of arbitration. We affirm.

J. Miles Hanisee, Judge

WE CONCUR:

Jacqueline R. Medina, Judge

Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40912>

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.

No. A-1-CA-40218 Randolf L. Johnson v. Debbie Dye

Introduction of Opinion

Plaintiff Randolf L. Johnson, a self-represented litigant, filed a complaint against Defendants Debbie and Betty Dye in the metropolitan court after the roots of a tree growing on Defendants' property erupted on the surface of Plaintiff's property and damaged his landscaping. The metropolitan court granted Plaintiff relief. Plaintiff moved both for reconsideration and a new trial because he wanted to submit the evidence of damages that the metropolitan court acknowledged Plaintiff may have possessed during the bench trial but had not been introduced as exhibits. The metropolitan court denied both motions. **View full PDF online.**

Jacqueline R. Medina, Judge
WE CONCUR:
Shamara H. Henderson, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40218>

No. A-1-CA-40453 Freedom Mortgage Corporation v. New Mexico Residential Financial Solutions, LLC

Introduction of Opinion

This case arises out of a foreclosure sale conducted at the behest of Appellant Freedom Mortgage Corporation (Freedom). Following the district court's approval of the foreclosure sale, Appellee New Mexico Residential Financial Solutions (NMRFS) filed a motion to set aside the order approving the sale. The district court granted that motion in part based on equity and fairness and as a sanction against both Freedom and Freedom's counsel, the law firm of Aldridge Pite (the Firm), for alleged misconduct during the sale process. Freedom and the Firm appeal the district court's decision, maintaining their due process rights were violated by the district court's imposition of sanctions. **View full PDF online.**

J. Miles Hanisee, Judge
WE CONCUR:
Jennifer L. Attrep, Chief Judge
Shamara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40453>

No. A-1-CA-40623 Manuel Ramirez Najera v. Horizon Partners, LLC

Introduction of Opinion

This appeal involves a contract dispute over a commercial lease agreement. Appellant Manuel Ramirez Najera appeals the district court's final judgment in favor of Appellee Horizon Partners, LLC (Horizon). Appellant seeks reversal of the district court's ruling that Horizon did not breach the lease agreement. We affirm.

Jacqueline R. Medina, Judge
WE CONCUR:
Zachary A. Ives, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40623>

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.

No. A-1-CA-40822
State of New Mexico
v. Steven R. Osterholt

Introduction of Opinion

Defendant appeals his convictions for aggravated assault by use of a deadly weapon, contrary to NMSA 1978, Section 30-3-2(A) (1963); shooting at or from a motor vehicle, contrary to NMSA 1978, Section 30-3-8(B) (1993); and tampering with evidence, contrary to NMSA 1978, Section 30-22-5 (2003). Defendant advances the following arguments on appeal: (1) his convictions for aggravated assault by use of a deadly weapon and shooting at or from a motor vehicle constitute double jeopardy; (2) insufficient evidence supports his conviction for tampering with evidence; and (3) one of his prior convictions is not usable to enhance his sentence. **View full PDF online.**

Gerald E. Baca, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Megan P. Duffy, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40822>

No. A-1-CA-40148
State of New Mexico
v. Adam Cervantez

Introduction of Opinion

Defendant Adam Cervantez appeals his convictions of aggravated assault upon a peace officer (deadly weapon), contrary to NMSA 1978, Section 30-22-22(A) (1) (1971). On appeal, Defendant argues that (1) the district court erred in failing to instruct the jury on defense of habitation; (2) the evidence presented was insufficient to support his convictions; (3) his multiple convictions violate double jeopardy; and (4) multiple errors resulted in cumulative error requiring reversal. For the following reasons, we affirm Defendant's convictions.

Kristina Bogardus, Judge
WE CONCUR:
Gerald E. Baca, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40148>

No. A-1-CA-41282
CYFD
v. Miranda M. & Kristopher M.

Introduction of Opinion

Respondents Miranda M. (Mother) and Kristopher M. (Father) (collectively, Parents) appeal the district court's adjudication that Child was neglected by Parents, pursuant to NMSA 1978, Section 32A-4-2(G)(2) (2018, amended 2023). After careful review of the record, we agree with Parents that the finding of neglect is not supported by clear and convincing evidence in the record. We, therefore, reverse.

Jane B. Yohalem, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Jacqueline R. Medina, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41282>

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.

No. A-1-CA-40618
Joseph Cervantes
v. New Mexico Taxation
& Revenue Department

Introduction of Opinion

Respondent New Mexico Taxation and Revenue Department levied a civil penalty and interest on Protestants Joseph and Jennifer Cervantes (Taxpayers) for their untimely payment of their 2019 personal income taxes. Taxpayers filed a formal protest, and an administrative hearing officer (AHO) abated the civil negligence penalty under NMSA 1978, Section 7-1-69(B) (2021) and 3.1.11.11(D) NMAC, but affirmed the interest owed. The Department appeals the abatement of the civil penalty. Unpersuaded that reversible error occurred, we affirm the AHO's decision under Section 7-1-69(B).

Zachary A. Ives, Judge
WE CONCUR:
Shammara H. Henderson, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40618>

No. A-1-CA-41131
Hailey Leonard
v. New Mexico Department
of Workforce Solutions

Introduction of Opinion

The Department of Workforce Solutions (Petitioner or the Department) appeals, by way of a petition for writ of certiorari, the district court's order in favor of Hailey Leonard (Respondent), concerning unemployment insurance benefits (Benefits). During the pandemic, Respondent applied to the Petitioner for Benefits and was granted Benefits effective March 15, 2020. In August 2022, Petitioner sent a notice of determination claiming that Respondent had received an overpayment of Benefits from March 2020 through September 2020. Respondent appealed the notice, and after exhausting her administrative remedies, Respondent obtained certiorari review in the district court of the final administrative decision. **View full PDF online.**

Kristina Bogardus, Judge
WE CONCUR:
Jennifer L. Attrep, Chief Judge
Jacqueline R. Medina, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41131>

No. A-1-CA-40846
State of New Mexico
v. Christopher W. West

Introduction of Opinion

Defendant appeals his conviction for aggravated assault, contrary to NMSA 1978, Section 30-3-2(A) (1963). On appeal, Defendant argues that the district court erred by admitting State's Exhibits 4 and 5 (Exhibits 4 and 5), which he claims are subject to exclusion under Rule 11-403 NMRA. We affirm.

Kristina Bogardus, Judge
WE CONCUR:
Shammara H. Henderson, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40846>

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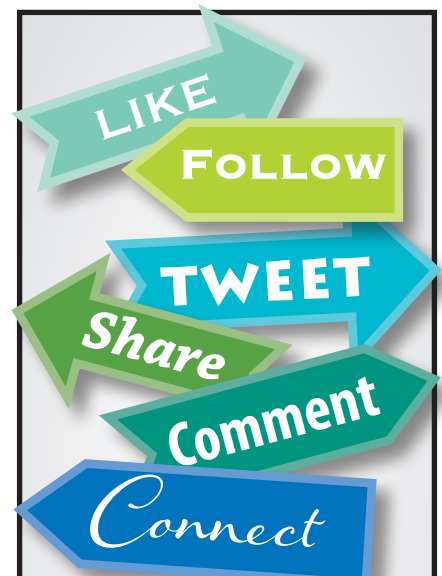
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Assistant District Attorney

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 (\$ 72,301.00) to a Senior Trial Attorney (\$ 85,222.00), based upon experience. Must be licensed in the United States. These positions are located in the Carlsbad and Roswell, 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

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The State of New Mexico, Risk Management Division -Legal Bureau ("RMD") is seeking attorneys interested in "protecting the State of New Mexico's human, physical, and financial assets." RMD has two convenient locations in Albuquerque and Santa Fe. The Santa Fe location is located within walking distance from the South Capitol Rail Runner stop. RMD offers a competitive employment package including benefits, and a great Monday through Friday schedule. Senior Litigation Attorneys evaluate cases, manage varied case loads, manage outside counsel defending the State of New Mexico, collaborate and strategize with experienced attorneys, attend and participate in mediations and trials, and work with a wonderful supportive staff. Applicants are required to have a current license to practice law in New Mexico and be in good standing with the State Bar. We are an equal opportunity employer and encourage all qualified candidates to apply. Please contact Evan.Cochnar@gsd.nm.gov

Entry Level and Experienced Attorneys

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced attorneys. Positions available in Sandoval, Valencia, and Cibola Counties. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing the opportunity to advance more quickly than is afforded in larger offices. The 13th Judicial District offers flex schedules in a family friendly environment. Competitive salary starting @ 83,000+ depending on experience. Contact Krissy Fajardo @kfajardo@da.state.nm.us or visit our website for an application @ <https://www.13th.nmdas.com/> Apply as soon as possible. These positions fill fast!

New Mexico Taxation & Revenue Department, Attorney

The NM Taxation & Revenue Department seeks an attorney to represent the Department before administrative tribunals and courts in matters involving the Tax Administration Act and the Motor Vehicle Code. The attorney may also provide legal opinions and recommendations to agency staff based on legal research and analysis on a wide array of tax issues. Preference will be given to applicants with experience in tax, administrative hearings, or trial experience. The position is a Pay Band LH, salary range \$77,354 - \$139,238 annually. For additional information or to apply contact Richard Pener, Legal Supervisor, 505-231-0169. <https://www.spo.state.nm.us/work-for-new-mexico/>.

Family Legal Assistance Attorney

Pueblo of Laguna, NM – Great employer and benefits, competitive pay DOE! Seeking full-time attorney to provide legal advice and representation to Laguna members on broad range of civil matters, including consumer, probate, benefits, and family issues. Leisurely commute from Albuquerque metro, Los Lunas, or Grants, and partial remote-work available. Apply now, will fill quickly. Application instructions and position details at: <https://www.lagunapueblo-nm.gov/elected-officials/secretarys-office/human-resources/employment/>

Associate Attorney

Harrison & Hart, LLC seeks an associate attorney with 2-5 years of experience and an outstanding academic background who seeks to practice in a collegial and informal setting. About us: Harrison & Hart, LLC specializes in criminal defense, police brutality, unconstitutional conditions of confinement, class actions, other constitutional, and complex commercial cases at trial and on appeal. The firm's practice includes frequent trials and oral arguments before the federal courts of appeals, the New Mexico Supreme Court, and the New Mexico Court of Appeals. About the position: The firm's standards are high; we are committed to providing clients with the best possible representation in all aspects of our practice. To accomplish this, we seek to hire exceptional candidates as associates, and we commit to provide associates top-notch training and mentorship. We look for people with exceptional writing ability, the capacity to think rigorously and creatively about the law, strong advocacy instincts, collaborative spirit, and a genuine passion for the law. Associates can expect immediate hands-on experience, both in the courtroom and out. Associates have been first chair counsel in civil jury trials, tried federal criminal cases with the firm's partners, argued appeals in the New Mexico Court of Appeals, taken and defended depositions, and are given full responsibility to manage and guide cases. The salary range for the position is between \$120,000 to \$150,000, depending on experience, plus an annual bonus. Those who join the firm following a clerkship with a federal court or a state's highest court will receive a \$25,000 clerkship bonus. The firm also offers a 401(k) and profit-sharing plan, employer paid health benefits, vision insurance, dental insurance, telework policy, unlimited sick leave, and up to 5 weeks of paid vacation. Please send a cover letter, resume, writing samples, and references to nick@harrisonhartlaw.com. Edited writing samples are acceptable if the editing is explained as part of the submission. Applicants will be accepted on a rolling basis and reviewed immediately. While this is an immediate opening, the firm will consider applications from current judicial law clerks for a Fall 2025 start date.

Legal Notice

Request for Proposals RFP #24-25-2 Commodity Code # 96149

Legal Services for the County of Lincoln

DUE: October 30, 2024, at 3:00 PM MST. NOTICE is hereby given that competitive sealed proposals will be received by the County of Lincoln, for Legal Services for the County of Lincoln. Complete Request for Proposal documents may be obtained at the County's Purchasing Office, 300 Central Ave., 2nd Floor, Carrizozo, NM 88301; download at lincolncountynm.gov/government/purchasing; or contact the Purchasing Agent by email purchasing@lincolncountynm.gov or phone 575-648-2385 x 105. All proposals submitted must be in a sealed package or envelope with; the words "Sealed Proposal"; the RFP Title; RFP Number; and Due Date marked on the outside of the package and any inner package. Proposals must be addressed to the County of Lincoln Purchasing Dept, 300 Central Ave./PO Box 711, Carrizozo, NM 8830, by 3:00 PM MST, October 30, 2024. Proposals received after that date and time will be returned unopened. Electronic proposals will not be accepted. The Lincoln County Board of Commissioners will review evaluations and make their final determination at the regular Commission meeting following the scheduled evaluation. Lincoln County reserves the right to accept or reject any or all proposals and to waive all formalities. The order to proceed will be based upon the obtaining of necessary funds and acceptable contract negotiations. Toni T. Foligno, Chief Procurement Officer.

Full-Time Legal Assistant/ Legal Secretary

Madison, Mroz, Steinman, Kenny & Olexy, P.A., a well-established civil litigation firm, seeks a full-time Legal Assistant/ Legal Secretary. The ideal candidate should have a minimum of 5 years civil litigation experience, with preference towards medical malpractice, the ability to multitask effectively in a fast-paced environment, possess excellent skills in case management and calendar procedures, ability to assess priorities, highly motivated, detail oriented, strong work ethic, knowledge of State and Federal court rules, and proficient in Odyssey and CM/ECF e-filing. We offer an excellent fully funded health insurance plan, 401(K) and Profit Sharing Plan, paid designated holidays, PTO, and a professional and team-oriented environment. Please submit your resume to: becky@madisonlaw.com, or mail to Office Administrator, P.O. Box 25467, Albuquerque, NM 87125-5467.

**Paralegal
State of New Mexico
Early Childhood Education and
Care Department
Office of the Secretary-
Office of General Counsel**

The New Mexico Early Childhood Education and Care Department (ECECD) is seeking a Paralegal for the Office of General Counsel. The Paralegal will provide administrative support to the attorneys within the Office of General Counsel. Job duties include overseeing incoming appeals, including monitoring court dockets and e-filing in state courts, handling filings with the Administrative Hearing Office, maintaining electronic and physical records, prepare routine court pleadings, and support attorneys as needed with related litigation matters. The Paralegal will also provide assistance to the Records Custodian when necessary and handle limited financial matters with regards to certain contracts between the Office of General Counsel and outside agencies. The ideal candidate will have experience working with the public through telephone, email, timely responds to correspondence and other communications, working with Microsoft Office and Adobe Acrobat, ability to work with many different divisions and individuals, ability to follow a process and procedure, and ability to manage multiple varied deadlines. The ideal candidate will be detail oriented, able to work in a face-paced environment, and be willing to learn new skills as needed to assist the Office of General Counsel and ECECD in general. The office location is in Santa Fe, New Mexico. Contact: Brendan Egan, Deputy Counsel at brendan.egan2@eecd.nm.gov. (505) 551-2762.

Receptionist, Legal Assistant

Receptionist/Legal Assistant needed for criminal firm. Start immediately for part or full-time position. Phones, correspondence, simple legal drafting, transcription, case and client management. Court/legal experience preferred but not required \$17 and up DOE. Call Frechette & Associates at 505-247-8558 or email at Frechette@frechettelaw.com

Part-time Legal Assistant/Paralegal

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

Experienced Full-Time Paralegal

Our law firm is a well-established and respected personal injury law firm in Santa Fe. We are seeking an experienced full-time paralegal to join our busy team. The position requires excellent attention to detail and organization as well as strong writing skills. Applicants must be able to prioritize and multi-task in our fast-paced environment. Litigation experience is a plus. The right candidate will be friendly, dedicated and a team player. The firm offers 100% employer paid health insurance premiums, competitive salary, and a 401K plan with profit sharing. Please send a resume to santafepifirm@gmail.com.

**Seeking Entry Level and
Experienced Legal Assistant
and Paralegals**

Peifer, Hanson, Mullins & Baker, P.A. is expanding and looking for entry level and experienced legal assistants and paralegals for our busy civil litigation practice. Must have strong organizational, time management, and interpersonal skills. Proficiency in Microsoft Office Suite is a plus. These positions offer competitive compensation packages, including benefits and incentive pay, and opportunities for mentorship and professional growth. Send resume and cover letter to admin@peiferlaw.com.

Office Space

**All-Inclusive North Valley
Office Suites Available**

Locally owned and operated. Move-in ready suites (155 sq ft & 350 sq-ft) ideal for a solo attorney. Conveniently located in the North Valley with easy access to I-25, Paseo Del Norte, and Montano. Visit our website www.sunvalleyabq.com for more details or call Jaelyn Armijo at 505-343-2016.

Executive Office Suites

Office Alternatives, locally owned circa 2006, has Executive Office Suites, Virtual mail/professional address, Virtual receptionist service, hourly offices and conference room rentals, Witness and Notary services. OA provides the infrastructure for attorney practices to lower your overhead and work in a professional environment. 2 convenient locations-Journal Center and Riverside Plaza. 505-796-9600 www.officealternatives.com.

Litigation Paralegal

Modrall Sperling has an excellent opportunity for an experienced Litigation Paralegal. The ideal candidate will be responsible for assisting attorneys in all stages of litigation matters. This candidate should feel comfortable conducting research, doing data entry, scheduling, maintaining case files, and completing other ad-hoc requests, as needed. Responsibilities: Organize, review and index discovery documents; Draft legal documents; Coordinate and schedule calendars; Conduct legal research; Organize and electronically file pleadings; Prepare exhibits for depositions and trial; Assist attorneys at trial. Qualifications: Bachelor's degree or equivalent education and experience; 2+ years' as Litigation Paralegal or legal assistant is required; Strong computer skills, including experience with Word, PDFs, Outlook, Excel, and calendaring applications Experience with electronic discovery applications; Experience with TrialDirector and IPRO software are preferred; Strong organizational and case management skills; This position requires an individual who is self-motivated, detail-oriented, able to multi-task, and works well in a team environment. Modrall Sperling offers an outstanding compensation and benefits package. Please send resume and cover letter to susanh@modrall.com.

**2024 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 Digital Resource Deskbook 2024-2025 is Here!

View & Download your FREE digital copy at www.sbnm.org/Resource-Deskbook-2024-2025!

All active State Bar of New Mexico members were emailed a **FREE** digital copy of the *Resource Deskbook 2024-2025* as a member benefit on March 1.

View and download the comprehensive guide for State Bar of New Mexico resources for our members, New Mexico State and Federal Court contact information, License Renewal information and much more at www.sbnm.org/Resource-Deskbook-2024-2025!

The convenient downloadable digital format will allow you to easily click through the sections of the *Resource Deskbook* to find the information that you need – whether you are working at your desk or on the go!

Please note that the *Resource Deskbook* will not be printed and mailed this year.



State Bar *of*
New Mexico

Est. 1886

The State Bar of New Mexico's Annual Meeting looks a little **different** this year.

**Annual Meeting
Registration is
NOW OPEN!**

**Earn all 12
CLE Credits for
the year for
ONLY \$199!**



OCTOBER 25, 2024
Attend In-Person at the State
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Registration Information Available at
www.sbnm.org/AnnualMeeting2024
Act fast! In-person seating is limited!

Earn 5 CLE credits by attending the live (in person or virtual) Annual Meeting event on Oct. 25 and complete the remaining 7 CLE credits at your convenience with special access to the Annual Meeting on-demand CLE library. The on-demand library will be available starting on Oct. 28 and all credits must be completed no later than Jan. 31, 2025.

Reach thousands of members of the New Mexico legal community!
Annual Meeting sponsorships are available!

Contact Marcia Ulibarri at 505-797-6058 or marketing@sbnm.org for more information.

www.sbnm.org/AnnualMeeting2024