

Official Publication of the State Bar of New Mexico

DIGITAL BAR BULLETIN

April 23, 2025 • Volume 64, No. 8

THE CONSTITUTION'S PROMISE: OUT OF MANY, ONE LAW DAY 2025



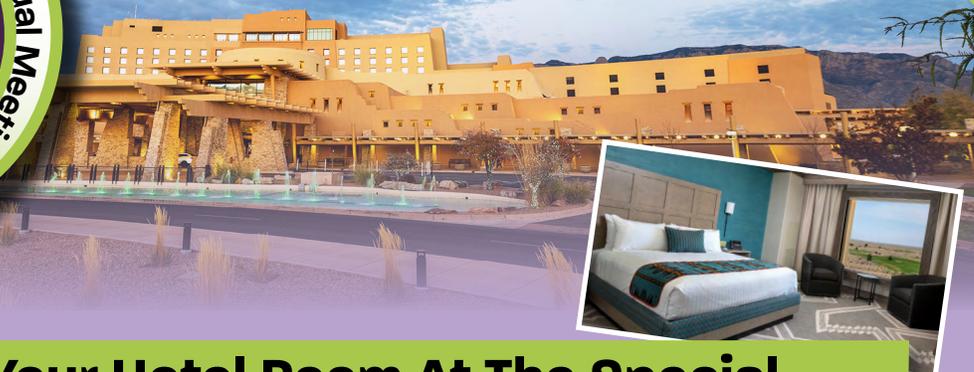
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STATE BAR OF NEW MEXICO 2025 Annual Meeting

July 31 – August 2
Sandia Resort & Casino
Albuquerque, New Mexico

Save
the Date!



**Book Your Hotel Room At The Special
Discounted Rate of Only \$229/night!**

Book your hotel room at the *exciting* Sandia Resort & Casino
by July 14 to receive the reduced Annual Meeting rate:
<https://bit.ly/2025-Annual-Meeting-Hotel-Room-Reservation>

Or Call 877-272-9199 • 505-798-3930
Booking ID #12031

Event Registration Coming in May!

Featuring Keynote Speaker Bryan Stevenson!

BRYAN STEVENSON is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated, and the condemned. Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative and author of the New York Times bestseller, *Just Mercy*.



More information and registration coming soon!

www.sbnm.org/AnnualMeeting2025



State Bar of
New Mexico
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DIGITAL BAR BULLETIN



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www.sbnm.org



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www.sbnm.org/StateBarCenter

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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>.

New Mexico Administrative Office of the Courts Seeks Input on Accessibility

The New Mexico Administrative Office of the Courts ("AOC") is undertaking a comprehensive evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access across the New Mexico State Judiciary. The AOC is contracting with Altura Solutions to assist with the creation of the Americans with Disabilities Act ("ADA") Transition Plan. The team will evaluate all 13 Districts of the Judiciary including Magistrate Courts, Supreme Court and Court of Appeals. This initiative underscores a dedication to ensuring equal access and opportunities for all residents regardless of ability and marks a significant milestone in the journey toward a more inclusive judiciary. Please complete the online survey currently available to capture your experiences and provide helpful prioritization preferences in regards to programs and facilities of the Judiciary here: <https://www.accessforall-nmcourts.com/community-survey>.

Professionalism Tip

With respect to the courts and other tribunals:

I will voluntarily withdraw claims or defenses when they are superfluous or do not have merit.

First Judicial District Court Judicial Nominating Commission Announcement of Vacancy

A vacancy on the First Judicial District Court will exist as of June 1 due to the retirement of the Hon. Mary Marlowe Sommer effective May 31. The First Judicial District Court Judicial Nominating Commission will meet on May 13 to interview applicants for the First Judicial District Court located at 225 Montezuma Ave., Santa Fe, N.M.

Second Judicial District Court Notice of Reassignment of Cases

Pursuant to Rule 5-106, NMRA, the Second Judicial District Clerk of Court hereby serves notice that, effective March 15, Division II cases have been assigned to the Hon. Matthew Chavez. Individual notices of judge reassignment will be sent to attorneys in active cases. A list of inactive case reassignments will be emailed to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar, in lieu of individual notices of reassignment. An email notification regarding the reassignment of probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar.

U.S. District Court, District of New Mexico Notice of Investiture of United States District Judge Sarah M. Davenport

All members of the Federal Bench and Bar are invited to the Investiture of the Hon. Sarah M. Davenport at 3:30 p.m. (MT) on May 30 in the Sierra Blanca Courtroom at the United States Courthouse in Las Cruces, N.M. at 100 N. Church St. on the third floor. A reception hosted by the Federal Bench

and Bar of the United States District Court for the District of New Mexico will follow from 5:30 to 7:30 p.m. (MT) at Red Hawk Golf Club at 7502 Red Hawk Golf Rd., Las Cruces, N.M. 88012. To RSVP, visit rsvp.nmcourt.uscourts.gov/Davenport.

STATE BAR NEWS Law Day 2025 Judicial Panel and Lunch Reception

Please join the Albuquerque Bar Association and State Bar of New Mexico to celebrate the Law Day 2025 theme, "The Constitution's Promise: Out of Many, One" with a panel discussion featuring distinguished judges followed by a lunch reception at the State Bar Center on May 1 from noon to 2 p.m. (MT). View more information and register to attend at <https://bit.ly/LawDayJudicialPanel>.

2025 State Bar of New Mexico Annual Awards Call for Nominations

Nominations are being accepted for the 2025 Annual Awards to recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar of New Mexico or legal profession in the past year. The awards will be presented at the 2025 Annual Meeting on July 31 at Sandia Resort & Casino in Albuquerque, N.M. For additional information and to submit a nomination through Jotform, please visit <https://bit.ly/SBNM-AnnualAwards>.

Board of Bar Commissioners Appointment to Civil Legal Services Commission

Pursuant to NMSA 1978, § 34-14-1 (2001), the Board of Bar Commissioners will make one appointment to the Civil Legal Services Commission for a three-year term. Applicants must be licensed to practice law in New Mexico and must have



U.S. District Court, District of New Mexico Service on Court Panel

Chief Judge Kenneth J. Gonzales and the Article III District Judges for the District of New Mexico would like to solicit interest from Federal Bar members for service on the Magistrate Judge Merit Selection Panel (“the Panel”). In the District of New Mexico, there are five full time magistrate judges in Albuquerque, five full time magistrate judges in Las Cruces and two part time magistrate judges, with one in Farmington and the other in Roswell. Whenever there is a magistrate judge vacancy, the Panel is responsible for (i) reviewing the application packets submitted by all applicants, (ii) determining the list of qualified applicants to be interviewed by the Panel, and (iii) from those applicants interviewed by the Panel determining by majority vote of the Panel members the five most qualified applicants and then forwarding the names of those five most qualified applicants to the District Judges who will then interview the finalists and make a selection.

The Panel also has the responsibility of issuing a report and recommendation to the District Judges whenever a U.S. Magistrate Judge seeks another term. By statute, U.S. Magistrate Judges serve eight-year terms and may seek reappointment for additional eight-year terms. As part of the Magistrate Judge reappointment process, the Panel must seek input from attorneys, litigants and other members of the public concerning magistrate judges seeking reappointment and then issue a report and recommendation on whether said judges should be reappointed.

Any member of the Federal Bar in good standing and interested in being selected by the District Judges to serve on the Magistrate Judge Merit Selection Panel should submit a Letter of Interest no later than May 14 to the Clerk of Court, U. S. District Court, 333 Lomas Blvd. NW, Suite 270, Albuquerque, N.M. 87102; or by email to clerkofcourt@nmd.uscourts.gov to be considered for appointment to the Panel.

experience with civil legal matters affecting low-income persons. Attorneys who wish to apply to serve on the commission should send a letter of interest and brief resume by May 5 to bbc@sbnm.org.

Appointment of Young Lawyer Delegate to ABA House of Delegates

Pursuant to the American Bar Association Constitution and Bylaws (Rules of the Procedure House of Delegates) Article 6, Section 6.4, the Board of Bar Commissioners will make one appointment of a young lawyer delegate to the American Bar Association (ABA) House of Delegates for a two-year term, which will commence at the conclusion of the 2025 ABA Annual

Meeting and expire at the conclusion of the 2027 ABA Annual Meeting. Members wishing to serve as the young lawyer delegate to the ABA HOD must have been admitted to the practice of law in any state for ten (10) years or less; they must also be a licensed New Mexico attorney and a current ABA member in good standing throughout the tenure as a delegate and be willing to attend meetings or otherwise complete his/her term and responsibilities without reimbursement or compensation from the State Bar; however, the ABA provides reimbursement for expenses to attend the ABA mid-year meeting. Qualified candidates should send a letter of interest and brief resume by May 5 to bbc@sbnm.org.

Featured Member Benefit



Fastcase, the legal research platform available to you as a member of the State Bar of New Mexico, has been upgraded to vLex Fastcase, a new legal intelligence and research platform. Coverage includes cases, statutes, regulations, court rules and constitutions for all 50 states & Federal. This service is available through www.sbnm.org. vLex also offers free live monthly training webinars. Customer Support is available 8 a.m. to 8 p.m. ET, Monday-Friday. The Support team can be reached at 866-773-2782 or support@fastcase.com, as well as on chat on vLex Fastcase.

For more information, email tech-support@sbnm.org.

Committee on Diversity in the Legal Profession Call For Volunteers for the Bar Exam Coaching Program

The State Bar of New Mexico’s Committee on Diversity in the Legal Profession is proud to offer an inclusive coaching program for applicants from all diverse backgrounds taking the New Mexico Bar Exam. The program is designed to match an applicant with a committed attorney volunteer who will serve as a resource for the applicant. Coaches and applicants will communicate in person, via phone, e-mail, and/or virtual meeting during the applicant’s bar preparation. Attorney volunteers will not be expected to teach applicants substantive law. To volunteer or to learn more, contact State Bar of New Mexico Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.

Exam. The program is designed to match an applicant with a committed attorney volunteer who will serve as a resource for the applicant. Coaches and applicants will communicate in person, via phone, e-mail, and/or virtual meeting during the applicant's bar preparation. Attorney volunteers will not be expected to teach applicants substantive law. To volunteer or to learn more, contact State Bar of New Mexico Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.

Historical Committee Invitation to View Presentation by Senator Jeff Bingaman on May 2

The Historical Committee of the State Bar of New Mexico is proud to announce a presentation by Senator Jeff Bingaman at noon (MT) on May 2. Senator Bingaman will speak on his book *Breakdown: Lessons for a Congress in Crisis*. The presentation will be livestreamed through Zoom at <https://bit.ly/Historical-Committee-5-2-25-Presentation>. Meeting ID: 895 6449 8694. Passcode: 881959. Please visit the Historical Committee's webpage at <https://www.sbnm.org/Leadership/Committees/Historical-Committee> to view Sen. Bingaman's recorded presentation in the weeks following the discussion.

Save the Date for the State Bar of New Mexico's 2025 Annual Meeting

The State Bar of New Mexico's 2025 Annual Meeting will take place at Sandia Resort & Casino in Albuquerque, N.M. from July 31 through Aug. 2. This year's keynote speaker is Bryan Stevenson, the author of the New York Times' bestselling book *Just Mercy* and a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Book your hotel room at the special discounted rate of only \$229 per night by July 14 at <https://bit.ly/2025-Annual-Meeting-Hotel-Room-Reservation>. Annual Meeting registration will be opening in May at <https://bit.ly/SBNM-AnnualMeeting2025>.

New Mexico Lawyer Assistance Program Monday Night Attorney Support Group

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

Paralegal Division 2024 Paralegal Division Survey Summary and Final Report

The State Bar of New Mexico's Paralegal Division conducted a survey in late 2024 of its members and other legal staff and collected statistical and practical information relating to salaries, benefits and utilization of paralegals within the legal community in order to better understand the economics of paralegal employment in New Mexico. For a quick overview of the results, see the link below for a summary. For the details, visit <https://bit.ly/2024-Paralegal-Division-Survey-Summary>. If you have any questions or need further information about the survey, please contact the Division at pd@sbnm.org.

UNM SCHOOL OF LAW Invitation to the Alumni/ae Association Law Scholarship Golf Classic

Join the UNM School of Law for the Alumni/ae Association Law Scholarship Golf Classic presented by Nusenda Credit Union on June 6 at the UNM Championship Golf Course! This tournament raises funds for law student scholarships. To register for the tournament, email lynn.taylor@law.unm.edu or register online at <https://bit.ly/UNM-School-of-Law-Golf-Classic>.

Law Library Hours

The Law Library is happy to assist attorneys via chat, email, or in person by appointment from 8 a.m. to 6 p.m. (MT) Monday through Friday. 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.

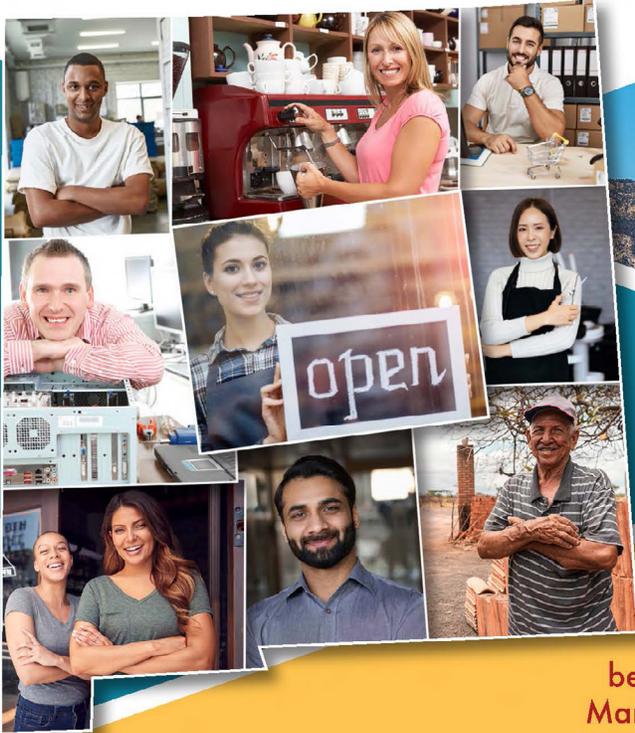
OTHER NEWS Legal Services Corporation Notice of Grant Funds Available for Calendar Year 2026

The Legal Services Corporation (LSC) announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2026. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The list of service areas (and their descriptions) where grant opportunities are open are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/2026-service-areas-subject-competition>. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be published at <https://bit.ly/LSC-Basic-Field-Grantee-Resources> on or around April 15. Applicants must file a Pre-Application and the grant application through GrantEase: LSC's grants management system. Visit <https://bit.ly/LSC-Basic-Field-Grant> for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.

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.

SMALL BUSINESS WEBINAR SERIES: Essential Contracts for Your Small Business



**Wednesday, May 7, 2025
12-1 p.m. (MT)**

Free webinar on the essential contracts needed for small business. This webinar will be presented by New Mexico licensed attorneys, Margaret Lorenz with the Modest Means Helpline, and Maria Trujillo of Briones Business Law Consulting.

Do you wonder what key contracts you should consider using in your business? What are the basic, core agreements you should create early in the life of your business, especially if you have a business with more than one owner? Do you know if non-compete agreements are enforceable? Should you have an employment agreement or independent contractor agreement with your workers? When are Non-Disclosure Agreements (NDA's) valuable and appropriate? What are the essential elements of a customer or service agreement required by the law? The answers to these and other questions will be explored in this webinar. **[CLICK HERE TO ATTEND THE WEBINAR](#)**. This is the second of 3 small business webinars to occur before June 30, 2025. Watch the MMH website for more information. **www.sbnm.org/MMH**

Modest Means Helpline is a civil legal telephone helpline and attorney referral service of the New Mexico State Bar Foundation. The Modest Means Helpline assists New Mexico residents with incomes below 500%* of the federal poverty guidelines. The Modest Means Helpline can assist in civil legal matters including but not limited to domestic relations (divorce, child custody, kinship guardianship, domestic violence), landlord/tenant, small business issues, consumer, and probate.

The Modest Means Helpline's staff attorneys provide legal advice by phone and, if appropriate, may refer the case to volunteer attorneys for representation ranging from pro bono legal advice to limited or full representation. Those interested may reach the Modest Means Helpline at 505-797-6013 or 888-857-9935, Monday through Friday, between the hours of 8 a.m. and 5 p.m.

*The federal poverty guidelines are calculated by household size. In 2024, an income at 500% of the FPG is \$75,300 for household of 1 and \$156,000 for a household of 4.



New Mexico State Bar Foundation
Modest Means Helpline

505-797-6013 • 888-857-9935



WELL-BEING WEEK IN LAW

MAY 5-9, 2025

New Mexico is Celebrating

WELL-BEING WEEK IN LAW

By Hosting:



Retirement or Reworkment: Crafting Your Successful "Next Chapter"

- May 8 – CONNECT DAY** During Well-Being Week In Law
- 2 – 4:45 p.m. (MT)**
- 2.0 EP / State Bar Center or Virtual**
- Only \$30 for State Bar of New Mexico Licensees!**

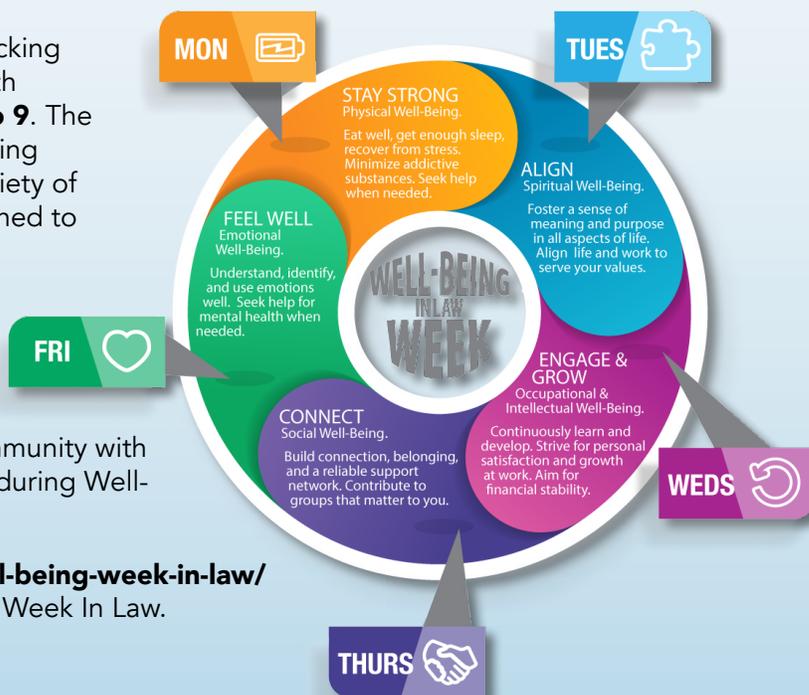
► See the next page for more information on this great event!

About Well-Being Week In Law

The Institute for Well-Being in Law is kicking off Mental Health Awareness month with Well-Being Week in Law from **May 5 to 9**. The Institute for Well-Being in Law is providing individuals and organizations with a variety of tips, tools and ideas for activities designed to improve and optimize your well-being.

Be on the lookout for daily social media posts during Well-Being Week in Law on the State Bar of New Mexico's Facebook, Instagram, X and LinkedIn that will provide the legal community with useful information on how to recharge during Well-Being Week in Law and beyond!

Visit <https://lawyerwellbeing.net/well-being-week-in-law/> for more information about Well-Being Week In Law.



RETIREMENT OR REWIREMENT: CRAFTING YOUR SUCCESSFUL “NEXT CHAPTER”



📅 May 8

🕒 2 - 4:45 P.M. (MT)



State Bar Center or
Virtual



\$30

JOIN US IN-PERSON OR VIRTUALLY DURING WELL-BEING WEEK IN LAW - 2.0 EP CLE CREDITS

This event will discuss the professional and personal challenges lawyers face when planning for and transitioning from the full-time practice of law to full or partial retirement. Through the use of a film documenting one lawyer’s professional journey, a panel discussion, and a presentation from an executive leadership coach, the event will include discussions about the practical and ethical challenges faced when disengaging from practice. The event will also address the risks to lawyers and their clients when lawyers choose — or, by economic circumstances, are forced — to stay in practice beyond a reasonable stopping point. Additionally, the event will explore options for continuing to stay engaged in a different model of practice, the importance of early financial and succession planning for lawyers, their clients, and their families, and the professional and personal turmoil faced when a lawyer suddenly ceases practice due to unforeseen circumstances.

EVENT AGENDA

2 P.M.

Documentary Screening: Retirement on Trial:
Stephen Herman, Filmmaker and Lawyer

3:10 P.M.

Panel Discussion: Jerry Dixon, Dixon Scholl Carrillo;
Lauren Riley, Batley Riley Family Law;
Ben Davis, Davis Kelin; Evelyn Neaman - Moderator

4:10 P.M.

Challenges When Making a Career Transition:
Judge Sandra Engel (ret.), High Road to Success
Coaching

4:45 P.M.

Connection Reception: Snacks and mocktails
courtesy of the State Bar LAP & YLD



Sponsored By:



State Bar of New Mexico
Well-Being Committee



State Bar of New Mexico
Young Lawyers Division

REGISTER AT [BIT.LY/RETIREMENT-OR-REWIREMENT](https://bit.ly/retirement-or-rewirement)



STATE BAR OF NEW MEXICO 2025 Annual Awards *Call for Nominations*

Nominations are being accepted for the **2025 State Bar of New Mexico Annual Awards** to recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar or legal profession in the past year. The awards will be presented at the **2025 Annual Meeting on Thurs., July 31**, at Sandia Resort & Casino in Albuquerque, NM. All awards are limited to one recipient, whether living or deceased, with the exception of the Justice Pamela B. Minzner Professionalism Award, which can have two recipients—an attorney and a judge. Nominees may be nominated for more than one award category. Previous recipients for the past three years are listed below.

To view last year's recipients and the full list of previous recipients, visit:

www.sbnm.org/AnnualAwards



Distinguished Bar Service Award – Nonlawyer

Recognizes nonlawyers who have provided valuable service and contributions to the legal profession over a significant period of time. Nomination should include specific examples of service/contributions; specify in what ways they affected the legal profession; and the period of time.

Previous recipients: *Katina Watson, Mary Galves, Juan Abeyta*



Excellence in Well-Being Award

Many individuals have made significant contributions to the improvement of legal professional well-being including destigmatizing mental health, strengthening resiliency, and creating a synergic approach to work and life. This award was created to recognize an individual or organization that has made an outstanding positive contribution to the New Mexico legal community's well-being. As the State Bar of New Mexico is committed to improving the health and wellness of New Mexico's legal community, we strongly encourage self-nominations and peer nominations for any lawyer, judge or nonlawyer working in some capacity with the N.M. legal community. Nomination should include examples of significant contributions to the legal profession, and outstanding positive contribution to the legal community's well-being.

Previous recipients (created in 2022): *Briggs F. Cheney, Joy Applewhite, Pamela Moore*



Judge Sarah M. Singleton* Distinguished Service Award

Recognizes attorneys who have provided valuable service and contributions to the legal profession, the State Bar of New Mexico and the public over a significant period of time. Nomination should include examples of service and contributions to the legal profession; service and contributions to the State Bar; service and contributions to the public; and the period of time.

Previous recipients: *George David Giddens, Jr., David Stout, Michael P. Fricke*

**This award was renamed in 2019 in memory of Judge Singleton (1949-2019) for her tireless commitment to access to justice and the provision of civil legal services to low-income New Mexicans. She also had a distinguished legal career for over four decades as an attorney and judge.*



Justice Pamela B. Minzner* Professionalism Award

Recognizes attorneys and/or judges who, over long and distinguished legal careers, have by their ethical and personal conduct exemplified for their fellow attorneys the epitome of professionalism. Nomination should describe the long and distinguished legal career, and provide examples of how they have exemplified ethical and personal conduct that is the epitome of professionalism for their fellow attorneys.

Previous recipients: *M. Mitchell Moss, Justice Edward L. Chavez, Judge James J. Wechsler, Quentin P. Ray*

**Known for her fervent and unyielding commitment to professionalism, Justice Minzner (1943-2007) served on the New Mexico Supreme Court from 1994 to 2007.*



Justice Pamela B. Minzner Outstanding Women's Advocacy Award

New Award

Recognizes attorneys who have provided legal assistance to women who are unrepresented or underserved, or advocated for causes that will benefit and/or further the rights of women within the previous calendar year. This award is not a lifetime achievement award; it is for an attorney who is currently doing the work and pushing the status of women forward. Nomination should describe the legal assistance provided to women who are unrepresented or underserved, and provide examples of how they have advocated for causes that will benefit and/or further the rights of women.



Outstanding Legal Organization or Program Award

Recognizes outstanding, extraordinary law-related organizations or programs that serve the legal profession and the public. Nomination should include examples of how the law-related organization or program is outstanding or extraordinary, and how it serves the legal profession and the public.

Previous recipients: *American Indian Law Center PLSI Judicial Clerkship Committee, Judicial Branch IT Staff, Pueblo of Pojoaque Path to Wellness Court, Intellectual Property Law Section Pro Bono Fair*



Outstanding Young Lawyer of the Year Award

Awarded to attorneys who have, during the formative stages of their legal careers by their ethical and personal conduct, exemplified for their fellow attorneys the epitome of professionalism; nominee has demonstrated commitment to clients' causes and to public service, enhancing the image of the legal profession in the eyes of the public; nominee must have been admitted to the practice of law in any state for ten (10) years or less. Nomination should include examples of how they have exemplified the epitome of professionalism; how they demonstrated a commitment to clients' causes; list their public service; and provide examples of how they enhanced the image of the legal profession in the eyes of the public.

Previous recipients: Cameron S. Bush, Shasta N. Inman, Lauren E. Riley



Robert H. LaFollette* Pro Bono Award

Presented to an attorney who has made an exemplary contribution of time and effort, without compensation, to provide legal assistance over his or her career to people who could not afford the assistance of an attorney. Nomination should include examples of exemplary contribution of time and effort, without compensation, to provide legal assistance, and for what period of time.

Previous recipients: Ronald T. Taylor, Ella Joan Fenoglio, Darlene T. Gomez

**Robert LaFollette (1900–1977), Director of Legal Aid to the Poor, was a champion of the underprivileged who, through countless volunteer hours and personal generosity and sacrifice, was the consummate humanitarian and philanthropist.*



Seth D. Montgomery* Distinguished Judicial Service Award

Recognizes judges who have distinguished themselves through long and exemplary service on the bench and who have significantly advanced the administration of justice or improved the relations between the bench and the bar; generally given to judges who have retired or soon will be retiring. Nomination should provide examples of how they have distinguished themselves; describe their long and exemplary service on the bench; provide examples of how they advanced the administration of justice; and provide examples of how they have improved the relations between the bench and the bar.

Previous recipients: Judge Robert H. Scott, Judge Lorenzo F. Garcia, Judge Henry A. Alaniz

**Justice Montgomery (1937–1998), a brilliant and widely respected attorney and jurist, served on the New Mexico Supreme Court from 1989 to 1994 decades as an attorney and judge*

Nominations should be submitted through the following link:

<https://form.jotform.com/sbnm/2025sbnmawards>

Additional information or letters may be uploaded with the form and submitted with the nomination. Please include all relevant information and elaborate on all responses to assist the Awards Committee in selecting the recipients. Ensure that your nomination includes reasons for the nomination and addresses all of the criteria.

Deadline for Nominations: Friday, May 30, 5 p.m. (MT)

For more information or questions, please contact Kris Becker at kris.becker@sbnm.org or 505-797-6038.



State Bar of
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Legal Education Calendar

April

- 24 **Practical Tips & Strategies To Combat Implicit Biases In Law Firms and Society**
1.0 EIJ
Webinar
Center for Legal Education of NMSBF
<https://bit.ly/CLE-Practical-Tips-And-Strategies>
- 24 **Twenty Second National Mitigation Seminar**
17.0 G, 1.0 EP
Live Program
Administrative Office of the US Courts
www.uscourts.gov
- 25 **Defendants With Brain Injuries**
1.5 G
Live Program
UNM School of Law
lawschool.unm.edu
- 25 **Spring Family Law Institute: Essential Practices for Custody Practitioners**
6.0 G
In-Person or Webinar
Center for Legal Education of NMSBF
<https://bit.ly/CLE-2025-Spring-Family-Law-Institute>
- 29 **The Rule of Law, Federal Action, and Balance of Powers**
1.0 G
In-Person or Webinar
Center for Legal Education of NMSBF
<https://bit.ly/CLE-The-Rule-of-Law>
- 29 **Ethics, Juror Misconduct, and Jury Tampering: The Murdaugh Motion For New Trial**
2.0 EP
Webinar
Center for Legal Education of NMSBF
<https://bit.ly/CLE-The-Murdaugh-Motion-For-New-Trial>
- 30 **Killers of the Flower Moon: The Osage Murders and How Attorneys Can Combat Bias**
1.0 EIJ
Webinar
Center for Legal Education of NMSBF
<https://bit.ly/CLE-Killers-of-the-Flower-Moon>

The Rule of Law, Federal Action *and* Balance of Powers

April 29, 2025
Noon - 1p.m. (MT)
1.0 G CLE Credit

UNM School of Law Professors Ahranjani, Bach and Bowman will explain the rule of law, recent federal action and the balance of powers required by the U.S. Constitution. They will explain the basics of relevant administrative law and the significance and legality of executive orders, summarize relevant constitutional law principles (e.g., spending clause) and provide examples and analysis of recent federal action.

The Rule of Law is a concept that is both foundational to the legal profession and one that is difficult to clearly articulate. Join three UNM School of Law professors for an hour-long webinar that touches on what rule of law means and the concept applies with respect to basic constitutional principles and recent federal executive actions.

Register to attend in person: <https://bit.ly/CLE-The-Rule-of-Law-In-Person>
Register to attend virtually: <https://bit.ly/CLE-The-Rule-of-Law-Virtual>

Listings in the *Bar Bulletin* Legal Education Calendar are derived from course provider submissions and from New Mexico Minimum Continuing Legal Education. All MCLE approved continuing legal education courses can be listed free of charge. Send submissions to notices@sbnm.org. Include course title, credits, location/course type, course provider and registration instructions. For a full list of MCLE-approved courses, visit <https://www.sbnm.org/Search-For-Courses>.

The Changing of the Season: Considering When It's Time to Retire From Our Professional Lives



By Briggs Cheney and William Slease

As we sit down to write this article, winter is giving way to spring in New Mexico, along with the ever-present wind and wild temperature fluctuations. And we know that with the coming of spring, it's time to make plans for what's next (in the garden, around the house, vacation). We can both say, without sadness or self-pity, that we are a bit past our own spring times, both personally and professionally. As to the latter, as with everything else in life, we believe that there is indeed a season to our professional lives, and knowing when to turn the page on that season; i.e. when to retire, can either be extremely illusive or simply something we refuse to embrace.

For most of us, at some level, we know that there is a time and place, a moment, when you have gone up and over the top of your bell curve and you're headed down the right-hand side. For a while, cunning, wit and wisdom and reputation may slow the slide down. And early in our careers, it's easy to romanticize what retirement will be like when we reach the bottom of the slide; reduced stress and responsibility, the slower pace, the relief from the constant demands and the control of our own calendars. But as the day we might retire draws nearer, romance gives way to reality, both positive and challenging. That's when many of us question whether it's really "time."

So, how do you know that your season is changing and that it's "time" to take that next step? Some lawyers think that they will know when the time is right because they will go into work one morning, there will not be much (or enough) to do, all the cases will be pretty much done. "Aha, it's time." Of course, there is

always "just one more case" to work on, "just one more client" to help and just a few more matters to "wrap up."

Others may decide to take firm control of the process, setting a "date certain" when they will retire years in advance of the actual date and irrespective of their workload when that date comes. But anecdotally, we believe, not that many choose this path. And even for those that do this advance planning, as the date approaches, that "date certain" becomes less certain and subject

to some internal debate. In short, it's not so much about knowing that it's "time," that the season is changing or maybe has already changed; it's more about our resistance to that change.

Why? Why do we struggle so mightily with the idea of retiring, or setting out on a new path, a new adventure?¹ Is it ego? For some, maybe most of us, early in our careers we thought that "being a lawyer" impressed others. Hopefully, we were all disabused of that notion fairly quickly (within the first year of practice most of us have heard enough lawyer jokes to know we are not that big of a deal).

Is it a sense of self-worth, about feeling worthwhile? There are moments in our professional lives where we realize that we have frequently had the opportunity, the privilege really, of helping others at one

of the most difficult moments in their lives. That sense of self-worth, of contributing to our community and our profession, is a powerful draw to staying engaged in practice.

Is it finances? For some, retirement may bring with it a change in our lifestyle, and a concern of not having enough money to enjoy the retirement we have worked so hard to achieve keeps

“That sense of self-worth, of contributing to our community and our profession, is a powerful draw to staying engaged in practice.”

us going back to the office, even when we otherwise “know” it’s time to step back. And even if we objectively have enough money to comfortably retire, with little to no impact on our lifestyle, we’ve been conditioned to “work hard” and after spending decades working hard, saving and being cautious, it’s difficult to suddenly forget that conditioning and unmoor ourselves from the security and income stream that our practices provide.

Is it fear? The fear of no longer being a lawyer, of losing that identity and the attendant fear of being irrelevant. A colleague once said to me that before he retired everyone would constantly ask “Where’s Jim, Where’s Jim?” After he retired people would ask “I’m sorry, who was Jim?” As anyone can attest, fear is a powerful motivator. When faced with the prospect of no longer being relevant, of losing the professional identity we spent years crafting, it’s easy to “put off” the decision for another day.

So how do we get past these impediments, how do we take that next step when we know it’s time? Here are some tips from someone who works with others for whom actually retiring has become the hardest part about retiring²: (1) consider first slowing down rather than stopping completely. By reducing your workload, you can pursue the best of both worlds, i.e. continuing to engage in your profession while pursuing, enhancing or developing your personal passions; (2) explore new things. Don’t limit yourself to the hobbies you already have. Consider developing new hobbies and look for volunteering opportunities, i.e. ways in which you can contribute without the attendant stress; (3) think about retirement as a journey, not a final destination. It’s simply another chapter in your life, one that you can choose to enrich and one in which you will remain relevant.

Occupational psychologist Gregory Fitzgibbon offers these suggestions in his article *5 Tips for A Happy Retirement*³: (1)



Approach it like a new job, writing down activities you enjoy and want to engage in, including volunteering opportunities; (2) once you have identified these activities, structure your days. This allows you to focus on the identified activities during set times giving you a sense of

routine; (3) talk with your family about your retirement plans, so you and they are on the same page about how much free time you will actually have and how you intend to spend it; (4) build new social networks. One key to a successful retirement is to stay engaged socially. When you find and pursue activities you enjoy, including volunteering, it brings you into contact with others and helps build a social support network and offer opportunities for new friendships which staves off loneliness and the risk of depression; (5) get healthy before you retire and stay active in retirement.

Consider watching a TedTalk on the topic offered by Dr. Riley Moynes.⁴ Dr. Moynes discusses the four stages of retirement and, in particular, how to successfully navigate the psychological changes and challenges of retirement, or, in Dr. Moynes’ words, how to “squeeze all the juice out of retirement.” Spoiler alert: you want to get to stage four and the sense of purpose and happiness that comes with it.

As two individuals who themselves are wrestling with this, let us say that we understand that it is not as simple as the last few paragraphs might make it seem. All we can say is: be patient with yourself and allow yourself grace and time to take the steps you need. As one of our favorite philosophers observed “How lucky am I to have something that makes saying goodbye so hard.” - Winnie-the-Pooh. ■

About the Authors:

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Endnotes

¹ As lawyers, we are not alone in struggling with the fear of retirement. A survey by Zety discovered that 40% of those surveyed feared retirement more than death. See <https://zety.com/blog/afraid-of-retirement#death-illness>.

² See Kara Duckworth, *Help, I’m Afraid to Retire Even Though I Can Afford To*, Kiplinger online (August 10, 2023) (available at <https://www.kiplinger.com/retirement/happy-retirement/602502/help-im-afraid-to-retire-even-though-i-can-afford-to>).

³ Gregory Fitzgibbon, *5 Tips For a Happy Retirement*, British Heart Foundation, Heart Matters Magazine (online page updated March 26, 2025) (available at <https://www.bhf.org.uk/information-support/heart-matters-magazine/wellbeing/retirement/retirement-tips>)

⁴ Last viewed March 27, 2025, available at https://www.ted.com/talks/riley_moynes_how_to_squeeze_all_the_juice_out_of_retirement

AN INCLUSIVE INTERVIEW



with Abby Lewis, Esq.



The mission of the State Bar of New Mexico's Equity in Justice Program is to cultivate and grow a legal profession in New Mexico that is representative of and reflective of the people of New Mexico. As part of that mission, we bring you the series "Inclusive Interviews."

Because legal employers with inclusive hiring and employment practices have a bigger talent pool from which to hire and access to a larger client base, these interviews serve to amplify that growing and cultivating inclusivity in our profession is beneficial to all legal employers, be they private firms, government entities or non-profits.

This Inclusive Interview is with Abby Lewis, an attorney who has practiced law for almost 15 years, and currently serves as the Equity in Justice Attorney at the State Bar of New Mexico.

Q: What is your background?

A: I am from Albuquerque, graduated from UNM School of Law, and was admitted to practice law in 2007. For the majority of my career I practiced education law and administrative law. I am also Autistic, LGBTQ+ and disabled.

Q: What made you want to become a lawyer?

A: My mom was an attorney. She was also a single mother without much money to spare for daycare or afterschool care. And so I grew up in law offices, courtrooms, as well as the chambers of judges who were kind enough to let me hang out in their chambers while my mom appeared in front of them. When people asked me if I wanted to be a lawyer like my mom when I grew up I would answer with a polite version of "heck no!". But then in my junior year of college I took a constitutional law class. I loved it so much I followed it up with an internship at the Center for Constitutional Rights in New York City. It was then I decided to go to law school.

Q: What has been your greatest accomplishment or what are you most proud of in your legal career?

A: I am most proud of being an advocate. In the almost 20 years since I was admitted, I have, through the practice of law, advocated for public education, Indigenous peoples, government transparency and environmental justice.

Q: What has been the biggest challenge you have had in your legal career?

A: When I was 16 I was hit by a drunk driver and have since then, and will for the rest of my life, be disabled from that accident. And so the biggest challenge in my legal career has not been one particular job or client; it has been asking for and receiving reasonable accommodations for my disabilities. If you are the person in your organization of whom folks with disabilities request accommodations, please don't make it difficult. As I heard Katy Ellis, a New Mexico disability rights advocate, express on a CLE: when we ask for accommodations we are coming to you on one of our most vulnerable days. So, employers, please do be kind and do not make it difficult to ask for or receive reasonable accommodations. Thankfully (and finally) I have found in my current employer one who made it easy for me to ask, and then provided the accommodations I requested.



Q: What is your favorite part of your current position?

A: Hands down it is building and nurturing relationships. Relationship building is integral to anything and everything I want to accomplish with the Equity in Justice Program. And in this building and nurturing I also really get to experience the depth and breadth of diversity we have in New Mexico. One minute I may be collaborating with a lawyer in Tucumcari, the next with a New Mexico Supreme Court Justice in Santa Fe, and then the next with a paralegal in Gallup. All with the common vision of a legal profession that truly reflects all of the people of New Mexico. So my favorite part of this position is to get to connect with and work with these remarkable professionals.

Q: What is your advice for new lawyers who are also Autistic?

A: I would say to consider using your law degree in a non-traditional way. I have not always practiced law since being admitted to the Bar. At one point in my career I spent about 2 years working for non-profits using my persuasive writing skills for grant applications instead of pleadings. At another point I spent about 2 years working for a U.S. Senator in a position where my job to become a content expert in various subject areas and to then keep him informed on and advise him in those areas. And now I administer the Equity in Justice Program at the State Bar! I would also say that no matter how you use your degree, it is vital to safeguard your mental health. Being Autistic is a world that was not built for us and, often built in ways that exclude us, is a very taxing way to move through life. So for new lawyers who are Autistic I would tell them to be aware of the toll this takes on them and make their mental health a priority.

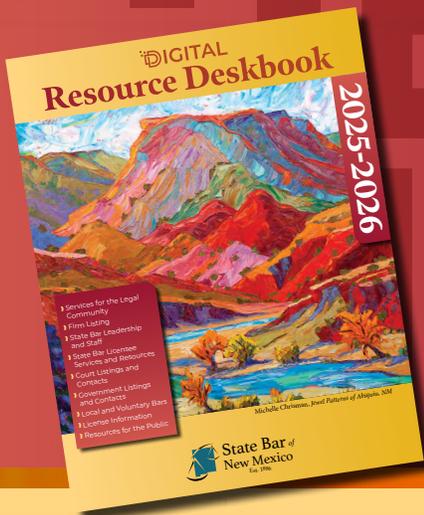
Q: If you could trade places with any other person for a week, real or fictional, with whom would it be and why?

A: Okay so I realize this isn't a "person" but if I could I would trade places with one of my own dogs! Sleeping whenever I wanted to (on the couch or in the bed of course!), having my meals prepared for me (with plenty of treats coming my way also!). And, of course, having the undying unconditional love of someone with opposable thumbs to do everything for me.

Q: What is something the legal profession in New Mexico can do to be more inclusive?

A: Offer partial or full remote work. Remote work is a need I have with my disability that I have struggled over the course of my career to find. Thankfully the State Bar of New Mexico embraces remote work and I am able to work 100% from home. The requirement to be in an office full time is an unnecessary barrier for folks with disabilities. There are very few jobs in the legal profession for which one would need to be in an office full-time. Especially in the age of technology in which we are currently living. Legal employers who make it easier for folks with disabilities to work for them will attract and retain skilled and talented employees to their employ that they would have otherwise missed out on; not just folks with disabilities, but also caregivers and parents for whom remote work is a necessity.





The Digital Resource Deskbook 2025-2026 is Here!

View & Download your FREE digital copy at www.sbnm.org/Resource-Deskbook-2025-2026!

All active State Bar of New Mexico licensees were emailed a **FREE** digital copy of the **Resource Deskbook 2025-2026** as a member benefit on March 28.

View and download the comprehensive guide for State Bar of New Mexico resources for our licensees, New Mexico State and Federal Court information, License Renewal information and much more at www.sbnm.org/Resource-Deskbook-2025-2026!



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



Opportunities for Pro Bono Service CALENDAR

May

- | | | |
|--|---|--|
| <p>7 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> | <p>9 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To sign up, call 505-841-9817
Location: Virtual</p> | <p>13 Economic Justice Workshop
Walk-In
New Mexico Immigrant Law Center
To sign up, call 505-247-1023
Location: Albuquerque, NM</p> |
| <p>14 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>20 San Juan County Teleclinic
In-Person
San Juan County
To sign up, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic. An attorney will call back between 2:30 p.m. and 5 p.m. that same day.
Location: San Juan County</p> | <p>21 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> |

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

May

- | | | |
|---|--|--|
| <p>7 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual</p> | <p>7 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> | <p>9 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To sign up, call 505-841-9817
Location: Virtual</p> |
| <p>13 Legal Resources for the Elderly Workshop
Virtual
State Bar of New Mexico
Call 505-797-6005 or 1-800-876-6657 to register
Location: Virtual</p> | <p>13 Economic Justice Workshop
Walk-In
New Mexico Immigrant Law Center
To sign up, call 505-247-1023
Location: Albuquerque, NM</p> | <p>14 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> |

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. Please note: Recruitment for legal fairs and teleclinics held by the Volunteer Attorney Program of New Mexico Legal Aid typically begins four weeks prior to the date of the event. You will receive recruitment emails from both the State Bar of New Mexico and the Statewide Pro Bono Coordinator for legal fairs and teleclinics. Please use the links contained in those emails to volunteer.

In Memoriam

Victor R. Ortega died on May 17, 2024, at the age of 91 in Corrales, NM after a short illness. Mr. Ortega was the son of Marcial and Frances Ortega of Santa Fe, NM, and grandson of Victor Ortega of Chimayo, NM, a signer of the New Mexico Constitution. Mr. Ortega was born in Santa Fe, NM on January 5, 1933. A graduate of Santa Fe High School, Mr. Ortega attended Harvard University with scholarship aid graduating magna cum laude with a degree in applied physics in 1954. He was awarded the Gordon McKay National Scholarship in Applied Physics while attending Harvard University and was elected to Phi Beta Kappa and Sigma Xi upon graduation. Upon graduation from Harvard University Mr. Ortega was employed as a systems engineer with North American Aviation on the Navajo Guided Missile project until he was drafted for service in the United States Army. While in the Army he graduated from the United States Army Guided Missile School at Ft. Bliss, TX, and thereafter was assigned to the maintenance of Nike Guided Missiles in the Washington, DC area. Following military service Mr. Ortega was awarded a scholarship and attended Harvard Law School, graduating in 1959. Following his admission to the bar in New Mexico in 1959, Mr. Ortega served as an Assistant District Attorney for the Second Judicial District in Albuquerque until 1961 when he entered the private practice of law practicing until 1969 with Paul W. Robinson, the former District Attorney in Albuquerque. In 1969 Mr. Ortega was appointed United States Attorney for the District of New Mexico by President Richard M. Nixon, and following confirmation by the United States Senate, he served in that position under Presidents Nixon, Ford, and Carter until June of 1978 when he returned to the private practice of law with the law firm of Montgomery and Andrews, PA in Santa Fe New Mexico. While he was United States Attorney, Mr. Ortega successfully prosecuted and tried my federal criminal cases including land grant activist Reies Lopez Tijerina, Robert Bolivar DePugh, the leader of the Minute Men, and a series of public corruption cases arising from the alleged bribery of federal, state, and tribal. While United States Attorney, Mr. Ortega was appointed by Attorney General Elliott Richardson to serve on the Attorney General's Advisory Committee of United States Attorneys and served on that Committee continuously from 1973 to 1978. During his last year as United States Attorney, he was Chairman of the Committee and was largely responsible for assuring that the Advisory Committee became a permanent part of the Department of Justice. Mr. Ortega also was a founding member of the National Association of Former United States Attorneys. While practicing law with Montgomery and Andrews, Mr. Ortega was for many years the firm's senior litigator with extensive experience in all aspects of litigation, both civil and criminal, concentrating primarily on complex commercial litigation. For several years, Mr. Ortega was one of the lead litigators and trial attorneys defending Southern Union Company in the New Mexico Natural Gas Antitrust Litigation in New Mexico. He was also one of the lead attorneys defending US West, the telephone company, in the Inside Wire Antitrust Litigation. For many years Mr. Ortega was an avid runner and cyclist. He completed a cycling tour across the United States in the year 2000 at the age of 67. He greatly enjoyed cycling in Europe, particularly Italy, Spain and France. Mr. Ortega enjoyed skiing, both alpine and cross country, and enjoyed fly fishing. He is

survived by his wife, Carol, of the family home in Corrales and his children John V. Ortega of Boulder, CO and Annamarie Shunny of Steamboat Springs, CO. and his granddaughter, Daniel Ortega of Seattle, WA.

Georgina Radosevich Fowlie, passed away peacefully on June 10, 2024, in Albuquerque, New Mexico. Georgina was a resident of Albuquerque since 1959. She was born in Raton, New Mexico on April 21, 1931, to Joseph and Angelina Radosevich, who immigrated from Croatia to Raton in the early 1900s. Georgina graduated from Raton High School in 1949 and attended the University of New Mexico and Yale University Law School. Georgina was one of New Mexico's first female attorneys and worked in private practice and for legal aid. She was a unique individual and a complex mix of strength, sensitivity, toughness and love. Georgina is survived by her son Robert Fowlie (Pam), stepdaughter Lea Fowlie, grandchildren Rose Fowlie, Christopher Fowlie, David Fowlie, Patrick Fowlie and Rebecca Lee (Ryan), two great-grandchildren and nieces Gina Kelly (Joe), Karen Sajbel (Marty) and Scott King (Tammy). She was preceded in death by her husband Gerald, daughter Kate, grandson Alex, her brother Tony, and sisters Mary and Carol. Pocivaj u miru mama.

It is with great sadness that the family of **Kenneth Lee Beal** announces his passing, due to complications of COPD, on Aug. 5. Kenny was born May 2, 1956, to Graden and Emma Lou (Cahoon) Beal in Las Cruces, New Mexico. He was 68 years old when God called him up. Kenny graduated from Mayfield High School in 1974, New Mexico State University in 1978 with a Bachelor of Science in Agriculture, and from the University of New Mexico School of Law in 1981 with a Juris Doctorate Degree. Kenny joined his father, Graden "Sandy" Beal, as a partner in forming the Law Firm of Beal and Beal in the Fall of 1981. Through the years, he partnered with, and worked as Co-Counsel, with other attorneys, but always here in Las Cruces. This was home. He used to say that "we live in the greatest valley in the world, because all the people I work with, and come in contact with are the best there are anywhere." For that reason, he loved practicing law, and looked forward to each day with excitement about who he might encounter. Kenny was a "gearhead." He loved driving and working on cars in any way, shape, or form. Many folks in Las Cruces knew him as "that guy who drove that old rusty, gray '56 Thunderbird". For a few years, he drove the #56 race car at Mesilla Valley Raceway. That was his weekly shot of excitement, and he was thrilled with it. Kenny is survived by his wife of 48 years, La Donna Beal, his children Graden R. Beal (Cassie), and Amanda M. Beal, sister Christine Beal and brother Roger Beal (Sonje), family in Ruidoso Sylvia and Mike Myers, and many, much loved nieces and nephews. The Family wishes to thank the Doctors and Staff of El Paso Pulmonary Group for their excellent care of Kenny as he dealt with his disease, and the staff of Providence Hospital Memorial Campus ICU in El Paso for their tireless efforts and attention during Kenny's last days. They were truly Angels.

In Memoriam

Rex Denton Throckmorton, age 82, passed away peacefully, surrounded by his loving family on May 17, 2024, in Albuquerque, NM. Born in rural Ohio in June 1941 to Jane Corwin Throckmorton and Francis Asbury Throckmorton, Rex spent his formative years in the close-knit community of St. Paris, Ohio, population 1,400. In high school, Rex excelled both academically and athletically, serving as class president, playing football and basketball, running track and field, editing the yearbook, and starring in the senior play. Raised by his single mother, Rex and his siblings, Ann and Don, developed a strong work ethic early on. From age 12, Rex held various jobs, including paper delivery, grass mowing, farm laborer, honey bottling, ice cream vending (which sparked his lifelong love of ice cream), airplane light inspecting, and his favorite job—projectionist at the family-owned theater until its closure in 1959 when he left for college. Rex attended Denison University in Granville, Ohio, where he majored in psychology and participated in the Air Force ROTC program. He was a member of Delta Upsilon fraternity and the Men's Judicial Council. It was at Denison, while waiting tables at the women's dining hall, that he met Barbara, his devoted wife of 62 years. After graduating in 1963, Rex pursued a law degree at The Ohio State University, graduating Summa Cum Laude in 1966. He was a member of the Law Journal staff and was inducted into the Order of the Coif. Following graduation, Rex joined Squire, Sanders and Dempsey, a prestigious law firm in Cleveland. After eight months, he was called to active duty in the Air Force, serving as a Captain in the Judge Advocate General's (JAG) Corps from 1966 to 1971 at bases in Las Vegas, Nevada, and Tokyo, Japan. After his honorable discharge, Rex accepted a position at the law firm of Rodey, Dickason, Sloan, Akin, and Robb in Albuquerque, where he worked until his retirement on January 1, 2008. Specializing in the defense of complex business cases, Rex was recognized in Best Lawyers in America, Southwest Super Lawyers, and Chambers and Partners America's Leading Business Lawyers. The Rodey firm grew from 21 lawyers when he joined to 70 when he retired. During his later years with the firm, he served as President and Managing Director. Rex's professional contributions included serving as President of both the New Mexico State Bar and the Albuquerque Bar Association. In 1997, he was honored as the Albuquerque Bar's Outstanding Lawyer of the Year. He was also active in community organizations, serving as President of the Albuquerque Civic Light Opera Association, President of the Huning Castle Neighborhood Association, and a board member of Accion, the Albuquerque Country Club, and the Albuquerque Ethics and Campaign Practices Board. In retirement, Rex enjoyed golfing at the Albuquerque Country Club, particularly cherishing golf trips with his sons, Scott and John. He was passionate about volunteering as a math and reading tutor for third and fourth graders at Longfellow Elementary School. Rex and Barbara traveled extensively, enjoying bridge games and reunions with old friends. Rex is survived by his beloved wife, Barbara; sons, Scott and wife, Susan of Albuquerque and Dallas, and John and wife, Robin of Cincinnati. He is also survived by his four grandchildren, Amanda Welles and spouse, Sam, Paige and spouse, Alex, Tyler, and Emily; and two great-grandchildren, Matthew and Abigail Welles. Additionally, Rex is survived by his sister, Ann Wiant and husband, Keith of Columbus, Ohio. He was preceded in death by his brother, Don of Springfield, Ohio.

Douglas Barry Stone was born February 2, 1938, in Portales, NM, to Douglas Beasley and Dona Locke Stone. Barry passed into Eternal Glory on May 21, 2024, with his characteristic courage, dignity and grace. Barry had a highly successful law practice, was a Rancher and ultimately a Banker. Barry was a notable Scholar, Orator and Athlete extraordinaire his entire public high school career. He graduated in 1956 from Portales High School, where he had set and then held the state of New Mexico high jump record for over 25 years, was Student Council President, an all-state basketball player and track star. Barry was elected to Boy's State and Boy's Nation, where he held council with President Dwight D. Eisenhower. Barry was a lifelong Boy Scout, Eagle Scout and was awarded the distinguished Silver Beaver Award.

Val R. Jolley, a beloved father, devoted grandfather, esteemed attorney, and proud veteran, passed away on January 27th, 2024, in Lehi, Utah. He was 77. Born on November 11, 1946, in Farmington, New Mexico, Val was the son of the late William Curtis Jolley and Louise Taylor Jolley. He bravely served his country in Vietnam as a member of the 82nd Airborne Division, demonstrating unwavering dedication and courage. Val married Kathy Fuhrman in 1968, and together they raised six children: Craig Jolley, Cherie Merkley, Angie Smith-Pool, Devon Jolley, Lindsey Jolley, and Krista Spencer. After his military service, Val pursued his passion for the law. He graduated from Brigham Young University Law School in 1975 and began his legal career as an Assistant District Attorney, where he served with distinction before establishing his law firm in his hometown of Farmington, New Mexico. Val's tenure in the DA's office as an ADA was marked by his commitment to justice and his tireless advocacy for the community he served. Val was deeply committed to upholding justice and was widely respected within the legal community. Val's devotion to his family was evident in every aspect of his life. He cherished his children and took great pride in their accomplishments. His love extended to his grandchildren and great-grandchildren, whom he adored dearly. Val had a larger-than-life personality and a contagious sense of humor. He had a remarkable ability to lighten the mood and bring joy to those around him. Whether he was sharing stories, cracking jokes, or dancing at family gatherings, Val was always the life of the party. Throughout his battle with dementia, his fun-loving personality shone brightly until the end, bringing laughs and smiles to the faces of everyone he interacted with. Val will be deeply missed by his family, friends, colleagues, and all who had the privilege of knowing him. His legacy of love, laughter, and integrity will live on in the hearts of those he touched.



Equity in Justice Book Club



State Bar of New Mexico 2025 Annual Meeting
Keynote Speaker Bryan Stevenson's *Just Mercy*

Aja N. Brooks, *President, State Bar of New Mexico*

Abby Lewis, *Equity in Justice Attorney, State Bar of New Mexico*

Torri Jacobus, *Director of Statewide Equity, Inclusion, and Justice for the Administrative Office of the Courts*

Join us as we read “*Just Mercy*,” the powerful memoir that explores the injustices of the American criminal justice system by State Bar of New Mexico’s 2025 Annual Meeting keynote speaker Bryan Stevenson. This award-winning book illustrates the impact of wrongful convictions, inadequate legal defense and harsh sentencing, emphasizing the need for compassion and reform. Ultimately, it calls for a more just system that values mercy and human dignity for all individuals. Book club participants will work together to identify tools to ensure that justice is available to all.

We will meet virtually on the dates below from noon to 1 p.m. (MT).

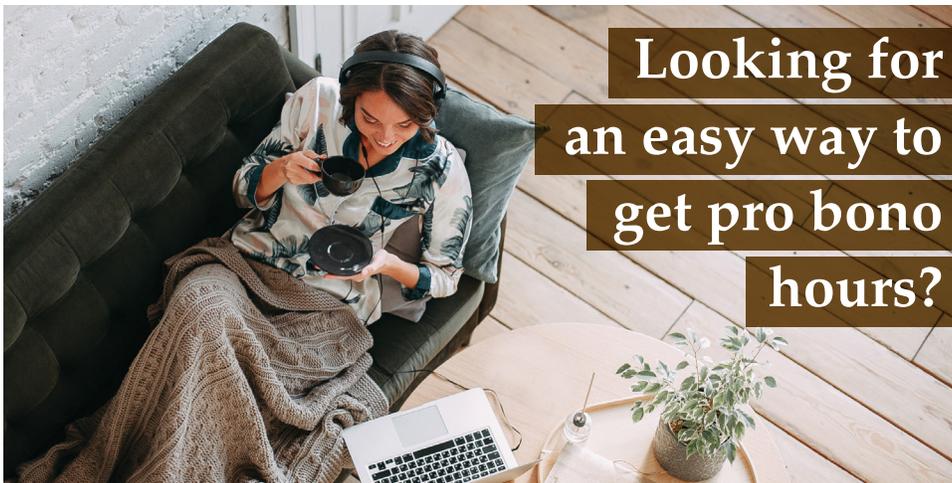
- Wednesday, May 28 Prologue, Introduction, and Chapters 1-3
- Wednesday, June 18 Chapters 4-8
- Wednesday, June 25 Chapters 9-10
- Wednesday, July 9 Chapters 11-13
- Wednesday, July 23 Chapters 14-16 and Epilogue



All in the legal profession are welcome!

Can't make all of them? That's okay! Come to whichever dates you can!

- ▶ Sign-up: <https://form.jotform.com/250713612369052>
- ▶ Study guide: <https://bit.ly/Just-Mercy-Discussion-Guide>



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From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-005

No: S-1-SC-39151 (filed October 21, 2024)

STATE OF NEW MEXICO,
Plaintiff-Petitioner,

v.

LUCIO GODINEZ JR.,
Defendant-Respondent.

ORIGINAL PROCEEDING ON CERTIORARI

James W. Counts, District Judge

Hector H. Balderas, Attorney General
John Kloss,
Assistant Attorney General
Albuquerque, NM

for Petitioner

Bennett J. Baur, Chief Public Defender
Mary Barket, Assistant Appellate
Defender
Santa Fe, NM

for Respondent

OPINION

ZAMORA, Justice.

{1} The question presented in this appeal is whether the Court of Appeals misapplied *State v. Guthrie*, 2011-NMSC-014, 150 N.M. 84, 257 P.3d 904, when it held that Defendant Lucio Godinez Jr.’s right to due process was violated by the admission of testimonial evidence at his probation revocation hearing, without an opportunity for Defendant to cross-examine the declarant. *See State v. Godínez*, 2022-NMCA-029, ¶ 23, 511 P.3d 369. The district court revoked Defendant’s probation, based in part on out-of-court statements made by his adult daughter (Daughter) during a forensic interview. The Court of Appeals reversed, announcing a bright-line rule requiring confrontation when testimonial hearsay is admitted accusing a probationer of a new crime, unless the hearsay is not only reliable, but supported by “unequivocal” corroborating evidence. *Id.* ¶ 19.

{2} We agree with the Court of Appeals that the challenged testimony violated Defendant’s right to due process, and we therefore affirm. But we disavow the Court of Appeals’ bright-line rule and clarify that due process in a probation revocation hearing requires a case-by-case analysis of “the need for, and the utility of, confrontation of a live witness in the context of a particular case.” *Guthrie*, 2011-NMSC-014, ¶ 2.

I. BACKGROUND

{3} Defendant began serving a five-to-twenty-year probation sentence in August 2014¹ as a result of a no-contest plea to two counts of second-degree criminal sexual contact of a minor. Approximately four years later and while Defendant was still on probation, the State arrested and indicted him on two counts of second-degree criminal sexual penetration of his adult Daughter. The State also petitioned to revoke his probation for violating two conditions of his supervised release: (1) “violat[ing] any of the laws . . . of the State of [New Mexico]” by sexually assaulting

Daughter during an authorized visit to his home and (2) failing to inform his probation officer before Daughter’s visit that she has autism and the “mind of a 10 year old.” Upon arrest, Defendant denied the accusations and called Daughter a liar.

{4} The district court held an adjudicatory hearing on the State’s petition for probation revocation at which the State called the following witnesses to testify: Daughter’s mother (Mother), the sexual assault nurse examiner (SANE) who performed Daughter’s examination, the forensic interviewer who interviewed Daughter about the alleged assault, and the New Mexico State Police agent who investigated the report of Daughter’s sexual assault.² Defendant did not call any witnesses or testify on his own behalf. Daughter did not testify.

{5} Mother, who was the State’s first witness, testified as follows. Daughter has autism and functions “at a first-grade level.” At the time of the hearing, Daughter had been in counseling on and off for approximately three years for reasons unrelated to her developmental delay. After the alleged assault, Daughter’s counselor recommended to Mother that Daughter not be called to testify because she “couldn’t stand trial, that she would go bad.” According to Mother, Daughter is afraid of Defendant and said that “he had hit her.”

{6} At the time of the alleged assault, Daughter was twenty-two years old and was staying with Defendant during a planned two-week visit. Daughter had stayed with Defendant two or three times in the past and always returned happy and told Mother everything she had done on her visits. This time, Daughter called Mother daily and was happy, including on Sunday evening, two days before her visit was scheduled to end. Daughter did not call Mother the next morning, so Mother attempted to call her instead. After receiving no answer, Mother called Defendant and demanded to speak to Daughter. When Daughter got on the phone, she was hysterical and told Mother to pick her up.

¹ The record contains a discrepancy as to when Defendant began his probation. For purposes of this Opinion, we adopt the date established by the testimony of the probation-parole officer, August 29, 2014.

² The State also called Defendant’s probation officer as a witness, who testified primarily in support of Defendant’s alleged violation for failing to disclose Daughter’s autism and developmental delay. The district court did not find a violation based on that accusation, and we do not discuss it further in this appeal.

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{7} Mother picked up Daughter that same day (Monday) around lunchtime and noticed that she was crying and did not hug Defendant or say goodbye, which was unusual. Daughter said she was tired and “that she never wanted to go back with her dad.” When Daughter got home, she was “distracted” and continued to behave unusually. Instead of watching television or playing with dolls, she followed Mother around the house or sat on the couch. Daughter would also cry loudly in the shower and wake up at night, hit the table, scream, and say “why, why, why Dad?” Mother eventually asked, “did your dad do anything to you?” Daughter “pointed to her behind” and asked to talk to the police. Later, Daughter told Mother that “it” had happened “two times,” that Defendant had “hit her,” and that Defendant had told her that she could not call Mother. Defendant did not object to Mother’s testimony about these interactions with Daughter.

{8} Mother also testified that, after Daughter asked to talk to the police, Mother contacted Daughter’s counselor, who helped arrange an interview at the Kid’s Inc. safe house and a sexual assault examination for Daughter. When Mother and Daughter arrived at the safe house, a State Police agent was there and asked Mother if she had any clothing from Daughter’s visit with Defendant. The agent later went to Mother’s house and took Daughter’s suitcase, which Daughter had not unpacked yet. When the agent looked through the suitcase, Mother noticed that Daughter’s underwear “was bloody.” According to Mother, Daughter was not on her period while she was with Defendant. Mother testified that the blood could not have been the result of Daughter’s period because her period came at the end of the month, after she returned home.

{9} The State next called the SANE, who testified about her examination of Daughter four days after she returned home from De-

defendant’s house. Daughter did not provide a narrative of what had happened, but she nodded “yes” that the assault had occurred on Sunday. Daughter also said that she had menstruated on Sunday, the day of the alleged assault. Daughter cried throughout the exam and “trembled” during the anal exam. Daughter had faint bruising near her genitals and light or yellow bruises on her buttocks and thighs, areas where the SANE had seen bruising in other sexual assault exams. In addition, Daughter had vaginal redness, vaginal discharge that appeared to be from a yeast infection, and excoriated skin around the anus, which also could have been from a yeast infection. Daughter had no visible injuries to her vaginal or anal areas, where the skin tends to heal within forty-eight hours of injury.

{10} The State next called the forensic interviewer to testify about Daughter’s interview, which took place on the same day as the SANE exam. When the interviewer began to testify about what Daughter had told her during the interview, Defendant objected on hearsay grounds and because he would not have an opportunity to cross-examine Daughter at the hearing. The district court overruled both objections, reasoning that the Rules of Evidence and the Sixth Amendment right to confrontation do not apply in probation revocation hearings and because Daughter’s out-of-court statements were supported by corroborating evidence.

{11} The forensic interviewer then gave the following summary of Daughter’s interview:

A: Ultimately [Daughter] said that her butt got hurt. I asked her how her butt got hurt. We had to walk through it basically like I would probably a five or six year old. I had to ask her . . . she told me about two different incidents. I asked her if it happened one time or more than one time; she said “two.” I asked

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her where it happened: “in the living room and in her room.” I had to go through the whole, were your pants on or were your pants off; she said “off.” I said were your panties on or were they off, and they were off. We talked about how dad was. Dad’s pants were off. Dad’s underwear were off. The instance she was laying face down and he was behind her and she said that he was spanking her.

Q: Was she able to explain what she meant by that?

A: She said it hurt. But when I said on the outside or on the inside she said it hurt on the inside. I said who said it was a spanking and she said her dad called it a spanking.

The forensic interviewer continued, saying that she had asked Daughter to identify what body parts Defendant had used to “spank” her and what body parts had been hurt. Daughter circled the penis on a male diagram and underlined the buttocks on a female diagram. The district court admitted both diagrams into evidence. Daughter also said that the two incidents had happened on different days and that when “her butt got hurt, no one was home but her and Dad.”³

{12} The last witness to testify was the State Police agent who investigated the alleged assault. The agent responded to a phone call from the forensic interviewer informing the agent that she was about to interview Daughter about an incident that had not yet been reported to law enforcement. The agent went to the safe house and, after Daughter’s interview, asked Mother where the clothing was that Daughter had worn at Defendant’s house. The agent later went to Mother’s house and picked up the clothing, which Mother said had not been washed, and sent it to the state crime lab for DNA testing.⁴ According to the lab report, no

³ The district court also admitted an audio-visual recording of the forensic interview but did not view the recording before rendering a decision. We therefore do not consider it in our analysis.

⁴ Defendant objected to this evidence on confrontation grounds in the Court of Appeals. The Court of Appeals assumed “without deciding that there was good cause to dispense with confrontation as to the crime lab analyst” who performed the analysis of the underwear for the purpose of analyzing Daughter’s statements to the forensic interviewer. *Godinez*, 2022-NMCA-029, ¶ 20 n.6. Defendant did not challenge admission of DNA evidence in this Court. See *State v. Sanchez*, 2001-NMCA-060, ¶ 17, 130 N.M. 602, 28 P.3d 1143 (holding that laboratory reports are admissible in probation revocation hearings if the State complies with certain procedural requirements).

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semen was detected, but unidentified male DNA was found on four pairs of Daughter's underwear, including in the "inside crotch area." Although most of the DNA was insufficient for conventional testing, DNA from two pairs of the underwear might have been sufficient for advanced testing, and a sample of Defendant's DNA had been taken and sent to the crime lab for that purpose. But at the time of the revocation hearing, no other DNA test results were available.

{13} The agent also testified that he had interviewed and arrested Defendant a few days after Daughter's forensic interview. Defendant admitted that he was home alone with Daughter on Sunday because his fiancée had been bitten by a stray dog and hospitalized on Saturday evening for the next four days. He also said that Daughter had not been left alone with anyone else after his fiancée was hospitalized. Defendant noticed a change in Daughter's demeanor on Sunday, but he did not know what was going on with her or what had happened. Defendant said he never hit Daughter.

{14} The district court revoked Defendant's probation based on a reasonable certainty that Defendant had violated his probation by sexually assaulting Daughter, by "criminal sexual contact at minimum, more likely penetration." As part of that determination, the district court found that Daughter's "mental capacity was not such that she could give consent." The district court reiterated that the Confrontation Clause does not apply to probation revocation proceedings and that none of the testimony required an opportunity to cross-examine Daughter. The district court also emphasized that, even if it were wrong and confrontation was required, "there were a number of statements that were nontestimonial in nature—spontaneous statements by [Daughter]—that would not invoke the Confrontation Clause even if it were available in this case."

{15} The district court then summarized the evidence that corroborated Daughter's statements to the forensic interviewer, including the "night and day change" in Daughter's demeanor between her phone calls with Mother on Sunday and Monday; the blood in her underwear that, based on Mother's credible testimony, was not

likely the result of Daughter's menstrual cycle and could be explained by sexual assault; the male DNA found in four pairs of Daughter's underwear when no male other than Defendant was alone with Daughter "during the relevant times"; and Daughter's physical injuries as reported by the SANE, including bruises of various colors on her genitals, buttocks, and thighs. The district court revoked Defendant's probation and ordered Defendant to serve the sixteen-year suspended period of his original prison sentence. The State subsequently dismissed without prejudice the two counts of second-degree criminal sexual penetration against Defendant.

{16} Defendant appealed his probation revocation, arguing under *Guthrie* that admission of Daughter's out-of-court statements to the forensic interviewer, without an opportunity to cross-examine Daughter, violated his right to due process. The Court of Appeals agreed and reversed. *Godinez*, 2022-NMCA-029, ¶ 1. Recognizing that *Guthrie* requires a case-by-case analysis of the need for, and utility of, confrontation, the Court of Appeals nonetheless announced a bright-line rule for cases in which (1) revocation is sought for the commission of an adjudicated crime, (2) the challenged hearsay statements "are central to the state's case [and] not inherently reliable," and (3) the truth of the statements depends on "a subjective judgment of the declarant's credibility." *Id.* ¶¶ 14, 19. **In these specific circumstances, confrontation is required unless the State introduces "unequivocal and reliable corroborating evidence . . . [that] compellingly establishes that the crime occurred and that the probationer committed it."** *Id.* Applied to this case, the Court of Appeals reviewed the corroborating evidence cited by the district court and held that, because all of it was "subject to conflicting interpretations," the evidence did not "compellingly establish the truth of the allegation so as to render confrontation unnecessary." *Id.* ¶ 20. Accordingly, Defendant's right to due process was violated by admitting Daughter's out-of-court statements without an opportunity for cross-examination. *Id.* ¶ 23. We granted certiorari and affirm for the reasons set forth in this opinion.

II. DISCUSSION

A. Standard of Review

{17} A probationer's right to confrontation is a legal question that we review de novo, while deferring to the district court's factual findings if supported by substantial evidence. See *Guthrie*, 2011-NMSC-014, ¶ 22; see also *State v. Almanzar*, 2014-NMSC-001, ¶ 9, 316 P.3d 183 ("This Court reviews factual matters with deference to the district court's findings if substantial evidence exists to support them, and it reviews the district court's application of the law de novo." (citation omitted)). The State bears the burden of proving a probation violation to a reasonable certainty, a determination that we review for an abuse of discretion. See, e.g., *State v. Aslin*, 2018-NMCA-043, ¶ 8, 421 P.3d 843, *reversed on other grounds*, 2020-NMSC-004, ¶ 14, 457 P.3d 249.

B. *Guthrie* Requires a Case-by-Case Determination of Whether Due Process Requires Confrontation in a Probation Revocation Proceeding

{18} The State seeks reversal of the Court of Appeals, arguing that the district court properly concluded that it had sufficient corroborating evidence to "dispense with confrontation in this case" without violating due process. The State also argues that the Court of Appeals misapplied *Guthrie* and "conducted a divide-and-conquer analysis of the various pieces of corroborating evidence in which it reweighed that evidence and substituted its judgments on credibility and reliability for those of the district court." Because *Guthrie* is central to our analysis in this opinion, we first review its facts and holding before we consider the State's arguments.

{19} "[T]he revocation of parole [or probation] is not part of a criminal prosecution and thus the full panoply of rights due a defendant in such a proceeding does not apply to parole [or probation] revocations." *Morrissey v. Brewer*, 408 U.S. 471, 480 (1972) (citation omitted); see also *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973) (perceiving no "difference relevant to the guarantee of due process between the revocation of parole and the revocation of probation"). In particular, a probationer's right to confrontation is *not* the inflexible right "guaranteed every accused in a crimi-

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nal trial” under the Sixth Amendment. *Guthrie*, 2011-NMSC-014, ¶ 12; see also, e.g., *Bullcoming v. New Mexico*, 564 U.S. 647, 662 (2011) (“[T]he [Confrontation] Clause does not tolerate dispensing with confrontation simply because the court believes that questioning one witness about another’s testimonial statements provides a fair enough opportunity for cross-examination.”). Rather, a probationer’s confrontation right arises under the Fourteenth Amendment as a matter of due process. *Guthrie*, 2011-NMSC-014, ¶ 12 (discussing *Morrissey*, 408 U.S. at 472, 497). Due process “is flexible and calls for such procedural protections as the particular situation demands.” *Guthrie*, 2011-NMSC-014, ¶ 11 (internal quotation marks and citation omitted). As a general rule however, due process guarantees a probationer “the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation).” *Id.* ¶ 12 (quoting *Gagnon*, 411 U.S. at 786 (internal quotation marks omitted)).

{20} *Guthrie* considered whether the good-cause exception for not requiring confrontation of the defendant’s accuser was satisfied in that case. 2011-NMSC-014, ¶¶ 45-49. At issue was whether the defendant’s confrontation right was violated by the admission of the probation supervisor’s testimony about a facsimile transmission from a residential treatment center saying that the defendant had failed to complete treatment, a required condition of his probation. *Id.* ¶ 46. Though the probation supervisor did not have personal knowledge of the alleged violation, the defendant’s probation officer was not available to testify. *Id.* ¶¶ 1, 46. The district court admitted the fax through the testimony of the supervisor of the defendant’s probation officer, without requiring live testimony from a treatment-center representative or the probation officer himself. *Id.* ¶¶ 1, 47.

{21} To decide *Guthrie* and “guide the due process inquiry” in future cases, *id.* ¶ 2, the Court adopted a practical, “need-for-confrontation analysis,” which it described as a “spectrum or sliding scale with extremes at either end and much balancing and weighing of competing interests in between.” *Id.* ¶ 40. At the “no good cause” end of the spectrum, where confrontation must be allowed, the evidence is “contested by the defendant, unsupported or contradicted, and its source has a motive to fabricate,” and “it is about a subjective, judgment-based observation that is subject to inference and interpretation, and makes a conclusion that is central to the necessary proof that the defendant violated probation.” *Id.* ¶ 41. At the other end of the spectrum, where there is good cause to not require confrontation, “the [s]tate’s evidence is uncontested, corroborated by other reliable evidence, and documented by a reliable source without a motive to fabricate,” or it “is about an objective conclusion, a routine recording, or a negative fact, making the demeanor and credibility of the witness less relevant to the truth-finding process.” *Id.* ¶ 40.

{22} The facts in *Guthrie* fell “decisively” on the good cause end of the spectrum, such that confrontation was unnecessary. *Id.* ¶ 45. The need for, and utility of, confrontation was de minimis in that case because (1) the primary allegation at issue—that the probationer failed to complete residential treatment—was uncontested, see *id.*; (2) the allegation concerned “an objective, negative, and rather routine fact [that] was easily and reliably established to a reasonable degree of certainty by a written statement,” *id.* ¶ 46; (3) “little to nothing could be gained by [live] testimony” when neither declarant associated with the fax “had any known motive to fabricate or deceive” about the allegation, *id.* ¶ 47; and (4) the truth of the allegation was self-evident from the time and place of the probationer’s arrest, which was during the treatment period and away

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from the treatment center, *id.* ¶ 48. Under these circumstances, including that proof of the violation was “incontrovertibl[e],” good cause supported admitting the fax without requiring confrontation. *Id.* ¶ 49.

{23} *Guthrie* was also careful to illustrate the counter-example, when confrontation must be required.⁵ The Court agreed with the result in *State v. Vigil*, in which the Court of Appeals reversed an order revoking probation based solely on a confidential informant’s “sworn, out-of-court statements accusing [the] probationer . . . of having committed a new crime—possessing stolen property—while on probation.” *Guthrie*, 2011-NMSC-014, ¶ 16 (citing *State v. Vigil*, 1982-NMCA-058, ¶¶ 3-4, 97 N.M. 749, 643 P.2d 618). Because the defendant in *Vigil* was “unable to cross-examine his accuser,” *Guthrie*, 2011-NMSC-014, ¶ 16, the right to confrontation was “violated to the extent the trial court relied on the informant’s sealed answers in revoking probation.” *Id.* (quoting *Vigil*, 1982-NMCA-058, ¶ 11). *Guthrie* emphasized that, when revocation is sought based on an out-of-court accusation of a new, unadjudicated crime, “we would be hard pressed to envision a situation in which personal testimony and confrontation would not be required.” *Id.* ¶ 38.

{24} Between the two extremes exemplified in *Guthrie*, “there is no bright-line rule for determining good cause” to not require confrontation. *Id.* ¶ 41. While a probationer has a presumptive right to confrontation, the issue must be decided on a case-by-case basis, guided by the due-process command of fundamental fairness under the circumstances of each case. *Guthrie*, 2011-NMSC-014, ¶¶ 12, 33; accord *State v. Wheeler*, S-1-SC-37709, dec. ¶ 17 (N.M. June 10, 2021) (nonprecedential) (“[T]here is a rebuttable presumption that a probationer has the right of confrontation.”). The analysis must focus “on the relative need for confrontation to protect the truth-finding process and the substantial reliability of the [challenged]

⁵ We disagree with the Court of Appeals that this case presents “a set of facts not clearly contemplated by the governing framework that *Guthrie* created.” *Godinez*, 2022-NMCA-029, ¶ 1. *Guthrie* went to great lengths to articulate a comprehensive framework for analyzing the need for confrontation—including in cases where confrontation must be required—despite the straightforward inquiry in *Guthrie* where the violation itself was uncontested. See 2011-NMSC-014, ¶¶ 40-41, 45 (“[The probationer] did not contest the allegation that he failed to complete his treatment at the rehabilitation center, thus precluding a due process complaint under *Morrissey*’s requirement for a hearing on contested facts.” (citation omitted)).

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evidence.” *Guthrie*, 2011-NMSC-014, ¶ 43. *Guthrie* thus requires a practical inquiry, keeping in mind that “the process should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial.” *Id.* ¶ 33 (quoting *Morrissey*, 408 U.S. at 489). At bottom, a court must determine “the need for, and utility of, confrontation with respect to the truth-finding process and in light of the particular case at hand, including the specific charge pressed against the probationer.” *Id.* ¶ 43.

C. *Guthrie* Requires Confrontation in This Case

{25} Applying *Guthrie* to this case, we first observe that Daughter’s statements during the forensic interview were testimonial and would trigger a Sixth Amendment right to confrontation were this a criminal trial. *See, e.g., State v. Tsosie*, 2022-NMSC-017, ¶ 28, 516 P.3d 1116 (“[Statements] are testimonial when . . . the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.” (quoting *Davis v. Washington*, 547 U.S. 813, 822 (2006) (alterations omitted)); *see also, e.g., Bobadilla v. Carson*, 575 F.3d 785, 792 (8th Cir. 2009) (holding that statements made during a forensic interview were testimonial when the interviewer was acting as a “surrogate interviewer for the police” (internal quotation marks omitted)). We therefore start with the presumption that Defendant has a due process right to confront Daughter about her out-of-court statements to the forensic interviewer, unless there is good cause for not requiring confrontation. *See Guthrie*, 2011-NMSC-014, ¶ 12. We also are mindful that the State sought revocation based on the accusation of a new, unadjudicated crime. *See id.* ¶ 38. Accordingly, we begin our need-for-confrontation inquiry skeptical of dispensing with confrontation in this case. *Accord Wheeler*, S-1-SC-37709, dec. ¶ 21.

{26} Under our sliding-scale analysis, we look to the following list of non-exhaustive factors in relation to the challenged evidence: (1) whether it is contested or uncontested; (2) whether it is central or

collateral to proving the alleged violation; (3) whether “it is about a subjective, judgment-based observation that is subject to inference and interpretation,” making the witness’s demeanor and credibility highly relevant to the truth-finding process, or “about an objective conclusion, a routine recording, or a negative fact, making the demeanor and credibility of the witness less relevant to the truth-finding process”; (4) whether its source is reliable or unreliable because the source does or does not have a motive to fabricate; and (5) whether it is corroborated by a reliable source or is unsupported or contradicted. *Guthrie*, 2011-NMSC-014, ¶¶ 40-41.

{27} The evidence challenged in this case is the forensic interviewer’s testimony recounting Daughter’s statements during the interview. According to the interviewer, Daughter said Defendant “spank[ed]” her on two occasions when neither was wearing pants or underwear, that she was lying face down and Defendant was behind her, and that her “butt got hurt,” “on the inside.” Daughter also said that Defendant had called it “a spanking,” and she indicated on diagrams admitted into evidence that Defendant had used his penis to “spank[]” her on the buttocks.

1. Four *Guthrie* factors are supportive or neutral in relation to the presumptive right to confrontation

{28} Applied to this evidence, three of the factors require little analysis. First, unlike the uncontested evidence in *Guthrie*, Defendant contests the truth of Daughter’s statements to the forensic interviewer, presumptively requiring confrontation absent a showing of good cause. *Id.* ¶ 35 (“[C]onfrontation[is] only necessary when the truth of the state’s allegations is challenged.”). Second, Daughter’s statements to the interviewer are highly probative of the State’s accusation that Defendant sexually assaulted Daughter, making her first-hand account “central to the necessary proof that [D]efendant violated probation.” *Id.* ¶ 41. Third, far from proving “an objective, negative, and rather routine fact” like the failure to complete residential treatment in *Guthrie, id.* ¶ 46, Daughter’s statements to the forensic

interviewer are “about [Daughter’s] subjective, judgment-based observation[s] that [are] subject to inference and interpretation” about what transpired. *Id.* ¶ 41. Her demeanor and credibility are relevant to the truth-finding process, *see id.* ¶ 40, and her allegations are precisely the kind that ordinarily “must be tested in the crucible of cross examination.” *Id.* ¶ 36. These factors weigh against a finding of good cause for not requiring confrontation in this case.

{29} The fourth factor, whether the source of the evidence is reliable or unreliable depending on the presence or absence of a motive to fabricate, weighs neutrally. As the purported victim of a contested crime, Daughter is not a neutral or disinterested witness whose reliability may be assumed absent evidence to the contrary. *Cf. Guthrie*, 2011-NMSC-014, ¶ 27 (discussing *Bailey v. State*, 327 Md. 689, 703, 612 A.2d 288, 295 (1992), in which “the source of the information (the treatment center) was reliable because it was ‘duty-bound to report . . . any failure of the probationer to comply with its conditions for the completion of its program’”); *cf. also Strickland v. Roosevelt Cnty. Elec. Coop.*, 1980-NMCA-012, ¶ 24, 94 N.M. 459, 612 P.2d 689 (“The general rule is that evidence given by an interested witness, even though uncontradicted, presents an issue to be determined by the jury.”). However, we have no reason to suspect that Daughter has a motive to fabricate, nor has the State argued that she is particularly trustworthy. This factor thus does little to inform our analysis.

2. While the evidence was neither unsupported nor contradicted under the fifth *Guthrie* factor, it was also not sufficiently corroborated to overcome the right to confrontation as to the sexual assault allegations

{30} If good cause is to be found for not requiring confrontation in this case, it must come from the last *Guthrie* factor, whether the challenged evidence is corroborated by a reliable witness or whether it is unsupported or contradicted. The State argues that confrontation was unnecessary because of the “considerable amount of additional evidence corroborating that [Defendant] had

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committed a sexual assault on [Daughter] during his time alone with her.” Defendant argues that he denied the truth of Daughter’s statements to the interviewer and that the other evidence was not “inherently reliable” or sufficient to corroborate Daughter’s statements and obviate the need for confrontation.

{31} We agree that the State introduced a considerable amount of additional evidence to support revocation, beyond Daughter’s statements to the interviewer. We also do not reweigh or second-guess the district court’s factual findings based on that evidence, including that there was a “night and day change” in Daughter’s demeanor, that the blood in Daughter’s underwear was not a result of her menstrual cycle and could be explained by sexual assault, that Daughter had physical injuries that similarly could be explained by sexual assault, and that male DNA was found in four pairs of Daughter’s underwear with no male other than Defendant identified as a potential source.

{32} These findings have not been challenged on appeal.⁶ They also are well-supported by other evidence not cited by the district court, including that Daughter said Defendant hit her and that it happened two times; that Daughter would cry in the shower, wake up screaming, hit the table, and say, “why, why, why Dad?”; that Daughter pointed to “her behind” and asked to contact the police when Mother asked whether anything happened at Defendant’s house; that Daughter nodded “yes” when asked by the SANE if the assault had occurred on Sunday; that Daughter was “very withdrawn, very upset” during the forensic interview; and that Defendant admitted he was alone with Daughter on Sunday and that no one else was alone with her during that time. This evidence was admitted without objection and, when combined with the bruising observed during the SANE examination, supports an inference that Defendant inflicted some form of physical abuse

on Daughter, likely amounting to a battery. See NMSA 1978, § 30-3-4 (1963) (“Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.”). Had the district court revoked Defendant’s probation on that basis, which also would have been a probation violation of “any of the laws . . . of the State of [New Mexico],” confrontation likely would not have been required. The other evidence before the district court strongly corroborated Daughter’s statements to the interviewer for the purpose of proving a battery.

{33} But the district court revoked probation based on a finding of “criminal sexual contact at minimum,” and the State does not seek reversal based on evidence of a lesser offense such as battery. The specific basis for revocation in this case is therefore significant, given the broad discretion afforded the district court when a violation has been established. See NMSA 1978, § 31-21-15(B) (2016) (“If the violation is established, the court may continue the original probation or revoke the probation and either order a new probation with any condition provided for [by statute] or require the probationer to serve the balance of the sentence imposed or any lesser sentence.”). Accordingly, we limit our analysis to whether the other evidence introduced by the State rendered Daughter’s statements to the interviewer sufficiently reliable to prove the offense of criminal sexual contact, the lowest level of offense actually found by the district court.

{34} Focusing on criminal sexual contact, Daughter’s statements to the forensic interviewer were the only direct evidence offered by the State to prove an essential element of the offense under either theory set forth in the statute. See NMSA 1978, § 30-9-12(A) (1993) (defining criminal sexual contact as “the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday,

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or intentionally causing another who has reached his eighteenth birthday to touch one’s intimate parts”); see also § 30-9-12(E) (“[I]ntimate parts’ means the primary genital area, groin, buttocks, anus or breast.”). Specifically, Daughter’s statements that she was not wearing pants or underwear when the “spanking” occurred was the only direct evidence that Defendant touched or applied force to her “*unclothed* intimate parts.” Section 30-9-12(A) (emphasis added). Alternatively, Daughter’s notation on the male diagram that Defendant had “spanked” her with his penis was the only direct evidence that he caused her “to touch [his] intimate parts.” *Id.*

{35} Based on our de novo review, none of the other evidence reliably corroborates Daughter’s statements that Defendant applied force to her unclothed buttocks or that he caused her to touch his penis. The strongest evidence that may have corroborated either accusation was the district court’s finding that unidentified male DNA was found on four pairs of Daughter’s underwear without any male besides Defendant identified as a potential source. But even with full deference to that finding, the probative value of the DNA evidence was extremely limited. For example, no semen was detected, and there was no testimony about the type or amount of DNA or how it may have been present in Daughter’s underwear. There also was no testimony about when Daughter wore the four pairs of underwear, whether before or after the alleged sexual assault occurred. The DNA evidence does not sufficiently corroborate Daughter’s out-of-court description of a touching that would have met the elements of criminal sexual contact.

{36} We have previously held that a child’s out-of-court statements to a forensic interviewer were sufficiently reliable to be admissible without requiring confrontation where the right to confrontation similarly arises as a matter of due process. See *State*

⁶ We caution the Court of Appeals to avoid reweighing or substituting its view of the evidence supporting the district court’s findings when they have not been challenged on appeal. See *Godinez*, 2022-NMCA-029, ¶ 20 (reviewing the corroborating evidence and concluding that it was “subject to conflicting interpretations”). This case presents only the legal question of whether due process requires confrontation, based on the record and the district court’s unchallenged findings. Cf. *Guthrie*, 2011-NMSC-014, ¶ 49 (affirming when the district court “made no explicit findings of good cause” but when the record supported that the probationer violated the terms of his probation).

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ex rel. Children, Youth & Families Dep't v. Pamela R.D.G. & Frank G (In re Pamela A.G.), 2006-NMSC-019, ¶ 12, 139 N.M. 459, 134 P.3d 746 (“The opportunity to confront a witness in a civil neglect and abuse proceeding is not an absolute right. Instead the right requires that parents be given a reasonable opportunity to confront and cross-examine a witness, including a child witness.”). In *Pamela A.G.*, the district court admitted testimony from four witnesses about statements made by a four-year-old child that “were unambiguous in both the description of the [sexual] abuse and the identity of the abuser.” *Id.* ¶ 16. We agreed that due process did not require confrontation and highlighted the evidence in the record that provided “the circumstantial guarantee of trustworthiness” to obviate the need for confrontation, including the consistency of the child’s multiple statements, the child’s use of age-appropriate language to describe the abuse, the sexualized behavior, nightmares, and sleep disturbances described by the child’s therapist that were consistent with child sexual abuse, and the spontaneity of the child’s identification of her abuser. *Id.*

{37} Although *Pamela A.G.* arose in a different context, we find it instructive here.⁷ Unlike the child’s multiple, “unambiguous” statements in that case, Daughter’s statements to the interviewer in this case provide the single detailed description in the record of the incidents underlying the State’s accusations of sexual assault. In addition, Daughter’s statements are equivocal about whether the abuse amounted to criminal sexual contact or another form of physical abuse not found by the district court, such as a battery. And while Daughter’s statements to the interviewer are not entirely unsupported or contradicted by other evidence, no other evidence in this case sufficiently provides “the circumstantial guarantee of trustworthiness” of Daughter’s statements to prove the offense of criminal sexual contact without requiring confrontation.

See *Pamela A.G.*, 2009-NMSC-019, ¶ 16. On balance, the fifth *Guthrie* factor therefore slightly weighs against finding good cause for not requiring confrontation.

{38} We hold that the district court violated Defendant’s right to due process by admitting Daughter’s statements to the interviewer without good cause for not requiring confrontation to challenge the allegations of sexual assault. And because the challenged statements were the only direct evidence of an essential element of the lowest level of offense found by the district court, criminal sexual contact, we hold that the error was not harmless. *Cf., e.g., State v. Johnson*, 2004-NMSC-029, ¶¶ 7, 32, 43, 136 N.M. 348, 98 P.3d 998 (holding that the admission of testimonial hearsay in a criminal trial without requiring confrontation was not harmless error because the out-of-court statement “provided the only direct evidence of guilt”).

{39} We reiterate that our holding is based on the case-by-case analysis required under *Guthrie*. Accordingly, we disavow the Court of Appeals’ attempt to fashion a bright-line rule to apply in a particular category of cases. See *Godinez*, 2022-NMCA-029, ¶ 19 (“Under these circumstances, confrontation is essential to the truth-finding process unless corroborating evidence compellingly establishes that the crime occurred and that the probationer committed it.”). We acknowledge that the strength of corroborating evidence may be a significant factor in the good-cause analysis. See *Guthrie*, 2011-NMSC-014, ¶ 49 (noting that the record “incontrovertibly” supports the finding that the probationer violated the terms of his probation). But the inquiry must focus on “the need for, and utility of, confrontation with respect to the truth-finding process and in light of the particular case at hand, including the specific charge pressed against the probationer.” *Id.* ¶ 43.

D. Availability of the Witness

{40} Before we conclude, we briefly address the State’s argument that the district court properly dispensed with Defendant’s right to confrontation, in part, because of

Daughter’s developmental delay and her potential for regression were she compelled to testify in court. This argument overlooks our holding in *Guthrie* that, when the need for confrontation is significant, “the witness must appear and be subject to confrontation, regardless of the reasons for his or her absence. . . . Simply put, the reasons for the witness’s absence are, for the most part, irrelevant to the balancing process we set forth.” *Id.* ¶ 43. While we adhere to that view, we emphasize that the due process right to confrontation is flexible. At the center of the inquiry “are considerations of pragmatism and fairness and the utility of confrontation in a particular factual context.” *Guthrie*, 2011-NMSC-014, ¶ 33. District courts have wide latitude in how they ensure fairness to a probationer while considering the rights and circumstances of a particular witness. See, e.g., *Gagnon*, 411 U.S. at 782 n.5 (“Nor did we intend to foreclose the [s]tates . . . from developing other creative solutions to the practical difficulties of the *Morrissey* requirements.”); see also N.M. Const. art. II, § 24(A)(1) (setting forth the rights afforded to crime victims, including “the right to be treated with fairness and respect for the victim’s dignity and privacy throughout the criminal justice process”).

{41} In this case, because the district court did not require confrontation, it similarly did not consider how to ensure fairness to Defendant in light of Daughter’s specific circumstances. As a result, the district court made no findings about whether or to what extent Daughter’s developmental delay or potential for regression may have affected her ability to provide live, in-court testimony. We decline the State’s invitation to make such findings on appeal. See, e.g., *Blaze Constr. Co. v. Tax. & Rev. Dep’t of N.M.*, 1994-NMSC-110, ¶ 24, 118 N.M. 647, 884 P.2d 803 (“It is well established that an appellate court will not find facts on appeal.” (citation omitted)). We note, however, that district courts may fashion alternatives to live, in-court testimony and cross-examination in appropriate circumstances, including when necessary to accommodate

⁷ We acknowledge that, unlike the abuse and neglect proceeding in *Pamela A.G.*, the Rules of Evidence do not apply in probation revocation proceedings. See Rule 11-1101(D)(3)(d) NMRA. We nonetheless find the discussion in *Pamela A.G.* instructive in this case.

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a witness who may be harmed by testifying, or unable to testify effectively, in open court. *See, e.g.*, NMSA 1978, § 38-6-8(B) (2023) (providing that a district court “may order the use of . . . alternative procedures . . . for taking the testimony of [a] witness with a developmental or intellectual disability” when the court finds that testifying in open court will likely cause the witness “to suffer unreasonable and unnecessary mental or emotional harm; or . . . a temporary loss of or regression in cognitive or behavioral functioning or communicative abilities”); § 38-6-8(D) (2023) (listing “alternative procedures . . . for taking the testimony of [a] witness with a developmental or intellectual disability”); *see also* NMSA 1978, § 38-6A-5

(2011) (providing that a child witness may testify by “alternative method” in criminal and noncriminal proceedings in certain circumstances); NMSA 1978, § 38-6A-2(A) (2023) (defining “alternative method[s]” of testimony by a child witness).

{42} Due process “should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial.” *Morrissey*, 408 U.S. at 489. If there is a new hearing in district court, the parties may find a solution to the practical difficulties of the confrontation requirement that causes the least harm to Daughter. *See Gagnon*, 411 U.S. at 782 n.5 (“Nor did we intend to foreclose the [s]tates

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. . . from developing other creative solutions to the practical difficulties of the *Morrissey* requirements.”).

III. CONCLUSION

{43} We affirm the Court of Appeals for the reasons provided in this opinion. We remand to the district court for such further revocation proceedings as the State may choose to pursue.

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

BRIANA H. ZAMORA, Justice

WE CONCUR:

DAVID K. THOMSON, Chief Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

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2025 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 via email by 5 p.m. (MT) 13 business days prior to the issue publication date.**

For more advertising information, contact: 651-288-3422 or email marketing@sbnm.org

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Office of the State Auditor Seeking Deputy General Counsel

The Office of the State Auditor (OSA) seeks a full-time attorney to assist in advising senior management on complex and difficult legal and management issues involving agency programs, budgets, legislation, human resources, and other legal matters. Under the direction of the Chief General Counsel, this position will study and analyze changes in the law to determine, anticipate, evaluate, and assess the impact on the OSA; draft, review, and evaluate legal documents, correspondence, pleadings, rules and regulations, and policies; and oversee the Inspection of Public Records Act (IPRA) for the OSA while working with the Records Custodian. The applicant must be licensed as an attorney by the Supreme Court of New Mexico. Current or recent experience as an attorney with a New Mexico state agency highly desired.

For further information, please contact Terese Vigil, HR Manager, by email at terese.vigil@osa.nm.gov or go to <https://www.osa.nm.gov/job-opportunities/>.

SOCIAL SECURITY DISABILITY

Accepting referrals of cases waiting for a hearing
before an Administrative Law Judge

Gary J. Martone, Attorney at Law
(505) 228-5871

Classified

Positions

Civil Attorney

Seeking an experienced civil attorney to join our team on a part-time basis for a complex case nearing completion. Initially, we anticipate 5-10 hours per week, with the potential for more hours as the case progresses towards trial. Compensation is commensurate with experience. If interested, please reach out to Foghi Lawfirm at 505-229-5691.

Judicial Assistant

A United States Circuit Judge on the Court of Appeals for the Tenth Circuit is seeking qualified applicants to serve as a Judicial Assistant. This position is a full-time position within chambers and is responsible for managing the daily operation of chambers as well as providing administrative support to the judge. For the full announcement and application instructions, please visit: <https://www.ca10.uscourts.gov/hr/jobs>

Chief Appellate Court Clerk Court of Appeals

The New Mexico Court of Appeals is seeking an experienced administrator to serve as its next Clerk of the Court. The Clerk of the Court works under the general direction of the Chief Judge and closely with the Judges. The Clerk of the Court's principal function is to oversee all the non-judicial management and administrative functions of the Court, including budget planning, fiscal operations and procurement, facilities management, and personnel and HR matters. The Clerk of Court is also responsible for serving as the Court's general counsel and records custodian under IPRA. The Clerk of Court also manages all Clerk's Office operations, including acting as the main point of contact for legal practitioners and the public, processing procedural motions under delegated authority, closing cases through mandates, and providing legal recommendations to staff and judges. The Court of Appeals has offices in Santa Fe and Albuquerque with regular travel between the offices required. The position may be primarily located in either location. Required experience: (1) six years of advanced level management involving administrative matters such as budget, finance, procurement, human resources, and contracts; (2) six years practicing law as an attorney or law clerk, at least three of which involved appellate practice; and (3) three years supervising and managing a diverse staff. The salary range is \$101,416.64 - \$175,217.26 annually. Interested applicants should submit a New Mexico Judicial Branch Application for Employment, or a Resume and a Resume Supplemental form to: jobs@nmcourts.gov, AOC Human Resources Division, 202 E. Marcy Street, Santa Fe, New Mexico 87501. To view the complete job description and obtain the Judicial Branch Application for Employment or Resume Supplemental form, interested applicants should visit www.nmcourts.gov/careers. The New Mexico Judicial Branch is an equal-opportunity employer. Application Deadline: April 30, 2025.

Litigation Attorney

Busy Plaintiff's civil litigation firm located near the Journal Center is accepting resumes for an associate attorney with 5 (or more) years of practical experience. Candidates should possess strong oration skills, be proficient in conducting and defending depositions, have critical research and writing abilities and be familiar with motion practice. Practice areas include civil litigation/personal injury and general tort issues. Litigation experience preferred, but will not bar consideration. Salary commensurate with experience. Please forward a letter of interest along with a Resume and writing sample to: paralegal3.bleuslaw@gmail.com.

Assistant District Attorney

The Fifth Judicial District Attorney's office has immediate positions open for new and/or experienced attorneys. Salary will be based upon the New Mexico District Attorney's Salary Schedule with salary range of an Assistant Trial Attorney (\$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

Litigation Attorney

Jennings Haug Keleher McLeod Waterfall, an AV-rated regional law firm, is seeking a full-time litigation attorney with 2 to 5 years of litigation experience to join a busy and varied general civil litigation practice in the Albuquerque office. Must be currently licensed to practice law in the state of New Mexico. Experience with depositions and court appearances is a plus, legal analysis and excellent research and writing skills are required. All inquiries will be held in strict confidence. The firm offers a competitive salary and benefits with a professional working environment. Please see www.jkwlawyers.com for further information about the firm. Please email your cover letter, resume, and writing sample to Nathan Stimson at nss@jkwlawyers.com.

Multiple Positions

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced attorneys. Positions available in Sandoval County which is in Bernalillo, Valencia in Belen and Cibola in Grants. 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!

Children's Court Attorney for CYFD Position Job ID: Various

The Children, Youth and Families Department (CYFD) is hiring full-time and contract attorneys of all levels of experience, as well as law clerks, to fill multiple Children's Court Attorney vacancies in the Legal Department statewide. Children's Court Attorneys are established in the Children's Code for each judicial district and provide legal services in protective services cases (child abuse and neglect matters) including consultation, counsel, filing and initiation of new cases, interpretation of law, research, litigation, and mediation. These positions offer the opportunity for challenging and fast-paced litigation, including civil evidentiary trials, and to work with CYFD to find solutions for children and their families and to make a difference in the community. Qualifications: JD from an accredited law school, and admission to the NM state bar in good standing or if barred in another state, the ability to acquire a limited law license. Children's Court Attorneys are in pay band LH, with an annual salary range from \$77,354 to \$139,238 and a competitive full benefits package. Individual contracts will be negotiated up to \$60,000/year. For more information please contact Cynthia Gonzales CynthiaM.Gonzales@cyfd.nm.gov To apply www.spo.state.nm.us. The State of New Mexico is an EOE.

Associate Attorneys

Modrall Sperling, one of New Mexico's largest law firms, is searching for Associate attorneys to join our general civil litigation practice. The ideal candidates should have a minimum of 2 to 3 years of civil litigation experience with excellent research, writing, and verbal advocacy skills. Qualified applicants must have experience working on large cases, including conducting legal research, drafting briefs, taking and defending depositions, arguing in court is preferred. Strong academic credentials required. Candidates must be admitted, or eligible for admission to the New Mexico Bar. As one of New Mexico's largest firms, we are able to offer associate attorneys high quality, challenging work and outstanding career opportunities. Please send a letter of interest and resume to attyapplicants@modrall.com. All inquiries will be kept confidential.

Associate Attorney

Long, Komer & Associates, P.A. is a well-established law firm located in Santa Fe, New Mexico. Our law firm is seeking a full-time associate attorney with a preference for 3 years of civil litigation or more and excellent research and writing skills. Qualified applicants must have experience conducting legal research, drafting of memos and briefs, with preferred experience in attending depositions and court proceedings. Experience with transactional matters is also preferred. This is a full time in-office position located in Santa Fe, New Mexico, although some remote work may be considered. The firm offers employee health and dental insurance, competitive salary, vacation and sick leave, and a 401(K). Please submit resume and writing sample to amelia@longkomer.com

Full or Part Time Lawyer

Stiff, Garcia & Associates, defense insurance firm seeking full or part time lawyer. Work as much or as little as you want. Our practice includes employment, civil rights, coverage, professional liability and general liability. "Of Counsel" is available for experienced defense lawyer. Benefits include health, dental, life insurance and 6% 401K. Please send resume to John Stiff, jstiff@stiffllaw.com or Karen Arrants, karrants@stiffllaw.com

Attorneys

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, with the Santa Fe office located within walking distance of the South Capitol Rail Runner stop. RMD offers a competitive salary and benefits package. Senior Litigation Attorneys evaluate cases, maintain a case load of all types of civil claims, 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 send a resume to Laura.Unklesbay@gsd.nm.gov

Remote Attorney

Must be currently licensed in NM for a minimum of 24 months. Telecommute from anywhere in NM, AZ, UT. Full time. Non-traditional practice. Handle high-volume of phone calls serving NM clients. Salary starts at \$60,000 base + \$10,000 signing bonus plus performance bonus. Train remotely. Fast-paced, challenging environment, use your legal experience and service skills to solve a variety of legal problems daily. Full benefits package, 401(K) with match, PTO, paid holidays, in-house CLE, firm-paid bar dues. Requirements: no State Bar discipline, high-speed internet access. Bilingual Spanish a plus (with extra pay) but not required. Please submit resumes to - resume@davismiles.com.

Litigation Attorney

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

Job Announcement

Staff Attorney (State Licensed)

LOCATION: Farmington, NM. DNA - People's Legal Services ("DNA") is committed to providing high quality legal services to persons living in poverty on the Navajo, Hopi and Jicarilla Apache Reservations, and in parts of Northern Arizona, New Mexico, and Southern Utah. DNA's main office, as well as DNA's Fort Defiance branch office, are located in Window Rock, Arizona. DNA also has branch offices in Chinle, Arizona, Tuba City, Arizona, Flagstaff, Arizona, on the Hopi BIA judicial compound near Keams Canyon, Arizona, and Farmington, New Mexico. DNA legal staff practice in tribal, state, federal, and administrative courts. REQUIREMENTS: Attorneys must be a graduate of an accredited law school and a member of the Arizona, New Mexico, or Utah bar association, or if licensed in another jurisdiction, able to gain admission by motion or reciprocity. Must have strong oral and written communication skills; the ability to travel and work throughout the DNA service area; competence in working with diverse individuals and communities, especially with Native Americans, persons of color, other marginalized communities; and a commitment to providing legal services to the poor. SALARY RANGE (depending on experience): \$57,600 - \$76,500. BENEFITS: The position we are offering comes with benefits, including paid federal and Navajo Nation holidays, 10 sick days per year, two weeks paid vacation per year (which increases over time), low-cost health insurance for you and your dependents, no-cost dental insurance for you, and a fully paid \$60,000 life insurance policy. You may also opt to join our 401(k) plan. For our attorneys, we also pay for continuing legal education courses and Bar dues, and offer a generous reimbursable educational loan forgiveness program. DNA is a qualified employer under the Federal Public Service Loan Forgiveness Program. WHAT TO SUBMIT: Employment Application (found at <https://dnalegalservices.org/career-opportunities-2/>), Resume, Cover Letter, and, upon request, Transcripts (if applicants graduated within the last two years) and Writing Sample (Attorney applicants only). HOW TO APPLY: Email: HResources@dnalegalservices.org | Direct: 928.871.4151 ext. 5640 Cell: 928.245.4575 Fax: 928.871.5036 (Faxed documents accepted). Preference is given to qualified Navajo and other Native

American applicants. DNA requires all applicants to be eligible to work within the United States. DNA will not sponsor visas unless otherwise noted on the position description.

Professional Liability Attorney

Description: Rodey, Dickason, Sloan, Akin & Robb, P.A.'s Albuquerque office is currently seeking attorneys to help in its Professional Liability Group, primarily to help with the defense of medical malpractice and legal malpractice cases. The candidate would participate in all aspects of case handling and would gain experience in taking depositions, preparing witnesses for depositions and defending depositions (including expert witnesses), brief and reporting writing, answering written discovery, and participating in direct contact with clients. The candidate would receive mentorship from Directors in the Professional Liability Group. Qualifications: Ideal candidate should have strong academic credentials and writing skills and be licensed in New Mexico. Rodey offers a competitive salary and bonus structure, comprehensive benefits package, including health, dental and vision; professional development and multi-faceted mentoring program; FSA and HSA plan option(s); 401K plan/ employer match; group life and long-term disability insurance; employee assistance program; wireless phone/services stipend. To apply, please send a cover letter, resume, writing sample, and law school transcript attention "Ali Taylor, Human Resources Director" at: jobs@rodey.com with "Professional Liability Attorney" in the subject line. All inquiries will be kept confidential. Rodey is an Equal Opportunity Employer. Rodey Law Firm is not accepting unsolicited resumes from search firms for this position.

Associate Attorney

RILEY | KELLER | ALDERETE | GONZALES, an AV-rated Albuquerque civil defense firm formed in 1982, seeks an associate attorney trial position. We seek a person with civil experience, including communication and writing skills. The position is full-time with the prospect of a virtual work setting and flexible schedule. We offer an excellent salary, benefits and pension package. Please submit a resume, references and writing samples to our Office Manager by fax, (505) 883-4362 or mvelasquez@rileymlaw.com.

Full Time Attorneys

Jay Goodman and Associates, Law Firm PC, with offices in Santa Fe and Albuquerque, is dedicated to assisting clients in the areas of family law, domestic violence, estate planning and probate. Our mission is to respond to our clients' goals and concerns with creative consideration and seek results designed to minimize or resolve future legal problems. We are in the process of hiring Full Time Attorneys licensed and in good standing in New Mexico with experience in Family Law, and/or Probate Law. Successful applicants should have court room experience and have provided client relations with empathy and compassion. We offer excellent compensation and a comfortable team working environment with flexible hours. Please feel welcome to visit our website at www.jaygoodman.com to find out more about us. All inquiries are maintained as confidential. Please send a cover letter, resume, and a reference to: es@jaygoodman.com

Administrative Office of the Courts – Attorney Associate

THE ADMINISTRATIVE OFFICE OF THE COURTS is accepting applications for one full-time, at-will, Attorney Associate position #10115504-21800. The position is located in Albuquerque. The target pay for the Attorney Associate position is \$72,359 - \$90,449 annually plus generous fringe benefits. The Attorney Associate will be a key member of the AOC's Court Education Institute's Judicial Education Program for the judicial branch. Responsibilities include: plan, organize, direct, and manage legal education sessions for judges, judicial officers and court staff. Among other duties, this team member will assist with legal research, policy development, online and in-person judicial and staff education initiatives. For more information or to apply to go to the Judicial Branch web page at www.nmcourts.gov under Career Opportunities. Equal Opportunity Employer

Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

The Eleventh Judicial District Attorney's Office, Div. II, in Gallup, New Mexico, McKinley County is seeking applicants for Assistant Trial Attorneys, Trial Attorneys and Senior Trial Attorneys. You will enjoy working in a community with rich culture and history while gaining invaluable experience and making a difference. The McKinley County District Attorney's Office provides regular courtroom practice, supportive and collegial work environment. You are a short distance away from Albuquerque, Southern parts of Colorado, Farmington, and Arizona. We offer an extremely competitive salary and benefit package. Salary commensurate with experience. These positions are open to all licensed attorneys who are in good standing with the bar within or without the State of New Mexico. Please Submit resume to District Attorney Bernadine Martin, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to Bmartin@da.state.nm.us. Position to commence immediately and will remain open until filled.

Legal Defense Services

The Town of Taos is seeking proposals from qualified attorneys to provide legal defense services for indigent defendants facing misdemeanor charges in Taos Municipal Court. Cases are assigned by the Municipal Court Judge when a defendant is deemed indigent and entitled to legal representation, with an average of 30 to 50 cases per year. The selected attorney must be willing to accept all assigned cases unless a conflict of interest arises and must be licensed to practice law in New Mexico and in good standing. Proposals should include a resume, a copy of the New Mexico Bar Card, contact information for two professional references, a summary of qualifications and legal experience, a brief statement of interest, and a fee schedule outlining the proposed cost structure for services. For questions or proposal submission please contact Bailey Andrea, Chief Procurement Officer, at bandrea@taosnm.gov.

Experienced Litigation Paralegal

Albuquerque based Plaintiffs' law firm seeks an experienced litigation paralegal for remote, part-time (20-25 hours/week) employment with a full-time position possible after 90-day probationary period. At least 3-5 years of prior paralegal litigation experience is required. Excellent organization and time-management skills required. Computer experience working with multiple software programs and strong writing ability required for busy Plaintiffs' litigation law-firm. Candidates must be able to draft pleadings, draft discovery requests and responses and be able to assist attorneys with analyzing and organizing discovery received from opposing parties. Legal research skills would be beneficial. Salary/hourly rate is dependent on candidate's experience. Please email resumes and a recent, redacted writing sample (pleadings, discovery documents or legal research memo) to psapien@sapienlaw.com and nstaeger@sapienlaw.com

Legal Assistant/Secretary

Legal Assistant/Secretary 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. Pay DOE. Call Frechette & Associates at 505-247-8558 or email at Frechette@frechettelaw.com

Paralegal

Hiring paralegal for an established Family Law criminal defense practice located in Corrales, New Mexico. Looking for 20 to 25 hours a week. Experience is a must. Pay is negotiable. Please call 505-220-5691 for more information.

Legal Assistant

Harrison & Hart, LLC is a busy, collegial, and highly collaborative law firm in Albuquerque, New Mexico that handles complex litigation, including federal and high-level state criminal defense, civil rights, class actions, constitutional and election-law cases, and commercial disputes. We are seeking a full-time legal assistant with a minimum of two years of civil litigation experience who is highly motivated, very detail oriented, and who possesses excellent skills in case management and calendaring procedures, as well as proficiency in Odyssey and CM/ECF filing. We offer an extremely competitive salary, excellent and fully funded health insurance plan, 401(K) and profit-sharing plan, paid designated holidays, PTO, and a generous bonus structure. Qualified applicants are encouraged to submit a cover letter and resume to elise@harrisonhartlaw.com.

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 6 months of civil litigation experience, 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

Long, Komer & Associates, P.A. is a well-established law firm located in Santa Fe, New Mexico. Our law firm is seeking a full-time paralegal with litigation and transactional experience, with strong organizational skills and ability to assist with drafting and editing pleadings and transactional documents. This position will support multiple attorneys and requires interaction with clients and opposing counsel. The firm offers employee health and dental insurance, competitive salary, vacation and sick leave, and a 401(K) Plan. Please submit resume and writing sample to amelia@longkomer.com

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Lawyer Assistance Program

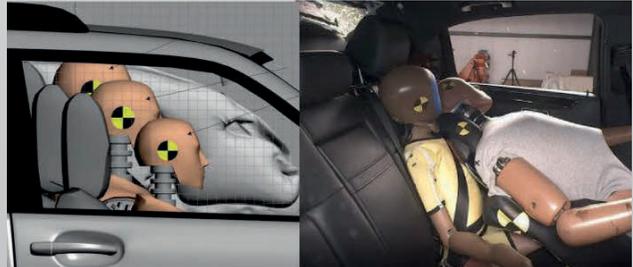
IS YOUR CASE AT A RECOVERY DEAD-END?

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Crashworthiness

focuses on how the vehicle's safety systems performed, not who caused the accident. At my firm's Crash Lab, we continually study vehicle safety through engineering, biomechanics, physics, testing and innovation.



If you have any questions about a potential case, please call Todd Tracy. Vehicle safety system defects may have caused your client's injury or death.



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A Guide to



State Bar of
New Mexico

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The State Bar of New Mexico's Digital Communications

As part of our mission to serve New Mexico's legal community, the State Bar of New Mexico is dedicated to ensuring that licensees are up-to-date with the latest information and announcements via regular digital e-newsletters and email communications. From news pertinent to New Mexico courts to pro bono opportunities, our emails cover a variety of legal information.



Bar Bulletin

The State Bar of New Mexico's official publication, the Bar Bulletin, is published on our website on the second and fourth Mondays of each month. The day that the *Bar Bulletin* is published online, an email is distributed to State Bar of New Mexico licensees that links to the new issue. To publish your notices, announcements, classifieds or articles in the *Bar Bulletin*, contact notices@sbnm.org.

eNews

Sent out each Friday morning, our weekly eNews e-newsletter is a comprehensive email containing a variety of information and announcements from the State Bar of New Mexico, the New Mexico State Bar Foundation, New Mexico courts, legal organizations and more. To advertise in eNews, please email marketing@sbnm.org. To have your organization's announcements or events published in eNews, please contact enews@sbnm.org.

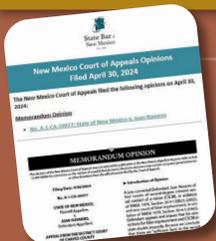


Member Services Spotlight

Emailed each Tuesday morning, our weekly Member Services Spotlight e-newsletter contains announcements and events from each of the State Bar's Sections, Committees and Divisions. To highlight your Section, Committee or Division's latest news, email memberservices@sbnm.org.

CLE Weekly Roundup

Distributed each Wednesday morning, the CLE Weekly Roundup provides a highlight of the New Mexico State Bar Foundation Center for Legal Education's upcoming CLE courses with information regarding the date and time of the course, credits earned and link to register. For more information regarding the CLE Weekly Roundup, please contact cleonline@sbnm.org.



New Mexico Court of Appeals Opinions

As a licensee benefit, the State Bar of New Mexico distributes introductions to the New Mexico Court of Appeals' published opinions with links to the full opinions the day they are published. For more information regarding the Court of Appeals opinions distribution, please contact opinions@sbnm.org.

Pro Bono Quarterly Newsletter

Disseminated quarterly, the State Bar of New Mexico's Pro Bono Quarterly e-newsletter provides the New Mexico legal community with an overview of initiatives to provide pro bono legal services for New Mexican residents in need. For more information on the newsletter or to advertise your pro bono or volunteer opportunity, contact probono@sbnm.org.

