

BAR BULLETIN

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Twelve Pyramids No. 2, by Dean G. Loumbas (see page 3)

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I was playing chess with a judge. (The full story there is too implausible for a novel, and would probably deepen the hole I'm in.) In reaction to a court order joining parties after my motion to join them (engendered by the court's *sua sponte* threat to dismiss (mom's) petition for *beau coup* child support arrearages for its not including, as indispensable parties, close family of mom (petitioner) who cared for her toddler daughter briefly nearly two decades earlier, never mind Britton v. Britton or the statute of limitations on reimbursement).

The joinder order gave me two weeks to get the newly joined petitioners served; it also included a *sua sponte* provision, never argued, that I not represent any of them, because I had a "potential conflict of interest".

Caught up in the duel, and momentarily forgetting the adage that might makes right, I took the fatal misstep of trying an end run, by filing a petition for the newly joined parties (by agreement) as Limited Representation Attorney. One of the newly joined petitioners also excused the judge. The LRA filings stated that upon filing them, I would withdraw as their limited representation attorney.

The judge, in spite of his excusal, issued an OSC as to why I should not be held in contempt and disqualified; he also recused as to the OSC. And of course he reported me to the Disciplinary Board.

A lawyer for the Disciplinary Board made me an offer (formal reprimand) that I was too frazzled to refuse. I accepted, after getting assurance that I was free to reply—which I now do.

At the risk of coming across as defiant let me just say: I wear this reprimand as a badge of courage; if I had it to do it over, I wouldn't change a thing. (Well, I probably would appeal the order instead of doing an end run; either way, I'm content with having stood up for my clients.) A little embarrassment is a small price to pay, seems to me, in exchange for regaining one's soul.

One of the many ironies here is that after my plea bargain (D Board rules are a curious amalgam of rules of criminal and civil procedure), my prosecutor opined that you can't do child support arrears in a contingent fee basis, which of course is nonsense.)

Pete Keys



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Meetings

October

- 19**
Real Property, Trust and Estate Section BOD, noon, State Bar Center
- 21**
Family Law Section BOD, 9 a.m., teleconference
- 21**
Trial Practice Section BOD, Noon, State Bar Center
- 25**
Intellectual Property Law Section BOD, Noon, Lewis Roca Rothgerber, Albuquerque
- 27**
Natural Resources, Energy and Environmental Law Section BOD, Noon, teleconference
- 27**
Alternative Dispute Resolution Committee, 1 p.m., Second Judicial District Court, Third Floor Conference Room, Albuquerque
- 28**
Immigration Law Section, Noon, teleconference

Workshops and Legal Clinics

October

- 19**
Family Law Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861
- 26**
Consumer Debt/Bankruptcy Workshop
6–9 p.m., State Bar Center, Albuquerque, 505-797-6094

November

- 2**
Divorce Options Workshop
6–8 p.m., State Bar Center, Albuquerque, 505-797-6003
- 2**
Civil Legal Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861
- 2**
Sandoval County Free Legal Clinic
10 a.m.–2 p.m., 13th Judicial District Court, Bernalillo, 505-867-2376
- 10**
Valencia County Free Legal Clinic
10 a.m.–2 p.m., 13th Judicial District Court, Los Lunas, 505-865-4639

Cover Artist: Dean Loumbas is a speech-language pathologist residing and working in San Francisco. His paintings have been accepted and shown in regional, national and international juried exhibitions as well as in juried museum shows. Loumbas' paintings have been published as cover art for the *Journal of Pediatric and Adolescent Medicine*, the *Journal of Academic Medicine* and the *Journal of Speech-Language Pathology*. His current work redefines the solid form by presenting geometric shapes in close relationships which create horizons and abstract landscapes that takes the viewer on multiple journeys through numerous visual and spatial transformations. For more information and additional work, email dlou33@cs.com.

Notices

COURT NEWS

New Mexico Supreme Court Notice of Vacancies on Committees

The Supreme Court of New Mexico is seeking applications to fill vacancies on several Supreme Court committees. View the full list in the Sept. 28, 2016 *Bar Bulletin* (Vol. 55, No. 39). Unless otherwise noted, all licensed New Mexico attorneys are eligible to apply. Anyone interested in volunteering to serve on one or more of these committees may apply by sending a letter of interest and resume by mail to Joey D. Moya, Chief Clerk, PO Box 848, Santa Fe, New Mexico 87504-0848, by fax to 505-827-4837, or by email to nmsupremecourtclerk@nmcourts.gov. The letter of interest should describe the applicant's qualifications and may prioritize no more than 3 committees of interest. The deadline for applications is Friday, Oct. 21.

Board of Legal Specialization Comments Solicited

The following attorneys are applying for certification as a specialist in the areas of law identified. Application is made under the New Mexico Board of Legal Specialization, Rules 19-101 through 19-312 NMRA, which provide that the names of those seeking to qualify shall be released for publication. Further, attorneys and others are encouraged to comment upon any of the applicant's qualifications within 30 days after the publication of this notice. Address comments to New Mexico Board of Legal Specialization, PO Box 93070, Albuquerque, NM 87199.

Employment/Labor Law

Robert Tinnin

Family Law

Julie Bishop

Federal Indian Law

Nancy Appleby

New Mexico Court of Appeals Notice of Retirements

Court of Appeals Chief Judge Michael E. Vigil announces two retirements: Hon. Michael D. Bustamante on Oct. 31 and the Hon. Roderick T. Kennedy on Nov. 30. A Judicial Nominating Commission will be convened in Santa Fe on Dec. 1 to interview applicants for the vacancy of Judge Bustamante. A second Judicial Nominating Commission will be convened later in December to interview ap-

Professionalism Tip

With respect to parties, lawyers, jurors, and witnesses:

I will be mindful of time schedules of lawyers, parties, and witnesses.

plicants for the Judge Kennedy vacancy. Further information on the application process can be found at lawschool.unm.edu/judsel/index.php. Look for updates regarding these vacancies later this fall.

First Judicial District Court New Tierra Amarilla Phone Numbers

Effective Oct. 3, the Rio Arriba County Court in Tierra Amarilla will have new phone numbers as shown below:

Judge Jennifer L. Attrep, Division V:
phone: 505-455-8325,
fax: 505-455-8323

Rio Arriba County Court Clerk's Office
phone: 505-455-8335,
fax: 505-455-8280

Second Judicial District Court Announcement of Vacancy

A vacancy in the Second Judicial District Court in Albuquerque exists Oct. 1 due to the retirement of Hon. Elizabeth Whitefield. This position will be a Family Court division bench assignment. Further inquiries regarding additional details or assignment of this judicial vacancy should be directed to the chief judge or the administrator of the court. Alfred Mathewson, chair of the Judicial Nominating Commission, solicits applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 14 of the New Mexico Constitution. Download applications at lawschool.unm.edu/judsel/application.php. The deadline for applications is 5 p.m., Oct. 20. Applicants seeking information regarding election or retention if appointed should contact the Bureau of Elections in the Office of the Secretary of State. The Judicial Nominating Commission will meet beginning at 9 a.m. on Oct. 31 at the Bernalillo County Courthouse in Albuquerque to evaluate the applicants for this position. The Commission meeting is open to the public and those who have comments about the candidates will have an opportunity to be heard.

Notice of Exhibit Destruction

Pursuant to 1.21.2.617 Functional Records Retention and Disposition Schedules-Exhibits, the Second Judicial District Court will destroy exhibits filed with the Court: the domestic matters/relations and domestic violence cases for 2003–2006, including but not limited to cases which have been consolidated. Cases on appeal are excluded. Counsel for parties are advised that exhibits may be retrieved through Nov. 16. Those who have cases with exhibits should verify exhibit information with the Special Services Division, at 505-841-6717, from 8 a.m.–5 p.m., Monday–Friday. Plaintiff's exhibits will be released to counsel of record for the plaintiff(s) and defendant's exhibits will be released to counsel of record for defendant(s) by Order of the Court. All exhibits will be released in their entirety. Exhibits not claimed by the allotted time will be considered abandoned and will be destroyed by Order of the Court.

Bernalillo County Metropolitan Court Court Closure on Oct. 21

The Bernalillo County Metropolitan Court will be closed on Friday, Oct. 21, for the Court's annual Professional Development Conference. Misdemeanor custody arraignments and felony first appearances will not be held that day. The conference is sponsored by the New Mexico Judicial Education Center at the University of New Mexico and paid for by fees collected by state courts.

U.S. District Court, District of New Mexico Reappointment of Incumbent United States Magistrate Judge

The current term of office of U.S. Magistrate Judge Gregory B. Wormuth is due to expire on May 17, 2017. The U.S. District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new eight-year term. The duties of a magistrate judge in this Court include the following: (1) conducting most preliminary proceedings in criminal cases, (2) trial

and disposition of misdemeanor cases, (3) conducting various pretrial matters and evidentiary proceedings on delegation from a district judge, and (4) trial and disposition of civil cases upon consent of the litigants. Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the Court and should be addressed as follows: U.S. District Court, CONFIDENTIAL—ATTN: Magistrate Judge Merit Selection Panel, 333 Lomas Blvd. NW, Suite 270, Albuquerque, NM 87102. Comments must be received by Oct. 28.

STATE BAR NEWS

Attorney Support Groups

- Nov. 7, 5:30 p.m.
First United Methodist Church, 4th and Lead SW, Albuquerque (group meets the first Monday of the month.)
- Nov. 14, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (group meets on the second Monday of the month.) Teleconference participation is now available. Dial 1-866-640-4044 and enter code 7976003#.
- Nov. 21, 7:30 a.m.
First United Methodist Church, 4th and Lead SW, Albuquerque (group meets the third Monday of the month.)

For more information, contact Hilary Noskin, 505-449-7984 or Bill Stratvert, 505-242-6845.

Alternative Methods of Dispute Resolution Committee APD/Community Relations Presentation

The City of Albuquerque ADR Office has been tasked with multiple roles in the ongoing effort to improve relations between APD and the community. The ADR Committee and ADR Coordinator and Assistant City Attorney Tyson Hummell invite members of the legal community to attend the presentation from noon-1 p.m., Oct. 27, at the Second Judicial District Court 3rd Floor Conference Room. The presentation will explore two fundamental aspects of this effort: the previous year-long Albuquerque Collaborative on Police Community Relations and the ongoing Officer/Civilian Mediation Program. There will be ample time for questions and discussion. Attendees should expect an interactive

session. R.S.V.P. with Breanna Henley at bhenley@nmbar.org in order to bring electronic devices into the Court. Lunch is provided. The ADR Committee will meet following the presentation from 1-1:30 p.m.

Animal Law Section

Monthly Animal Talk:

The Link

Over the ages, companion animals have come to be viewed as family members in many cases. Unfortunately, this sometimes places them directly in the path of family violence. Scholars suggest that an individual's mistreatment of an animal parallels unhealthy, and sometimes violent, relationships with other humans. Tammy Fiebelkorn will explore the history of The Link and discuss ways to spot violence in any form, intervene and provide treatment for both abusers and the abused from noon-1 p.m., Oct. 28, at the State Bar Center. R.S.V.P. with Breanna Henley at bhenley@nmbar.org.

Board of Editors Seeking Applications for Open Positions

The State Bar Board of Editors has open positions beginning Jan. 1, 2017. Both lawyer and non-lawyer positions are open. The Board of Editors meets at least four times a year (in person and by teleconference), reviewing articles submitted to the *Bar Bulletin* and the quarterly *New Mexico Lawyer*. This volunteer board reviews submissions for suitability, edits for legal content and works with authors as needed to develop topics or address other concerns. The Board's primary responsibility is for the *New Mexico Lawyer*, which is generally written by members of a State Bar committee, section or division about a specific area of the law. The Board of Editors should represent a diversity of backgrounds, ages, geographic regions of the state, ethnicity, gender, and areas of legal practice and preferably have some experience in journalism or legal publications. Applicants outside of Albuquerque are especially needed. The State Bar president, with the approval of the Board of Bar Commissioners, appoints members of the Board of Editors, often on the recommendation of the current Board. Those interested in being considered for a two-year term should send a letter of interest and résumé to Communications Coordinator/Editor Evann Kleinschmidt at ekleinschmidt@nmbar.org. Apply by Dec. 1.

—Featured Member Benefit

ATTORNEY RESOURCE HELPLINE

Provides State Bar members and non-admitted attorneys information and referrals in the areas of attorney regulation, ethics, registrations (non-admitted, pro hac vice, legal service and emeritus), rules, and general practice.

Contact the Office of General Counsel, rspinello@nmbar.org, 800-876-6227.



New Mexico Lawyers and Judges Assistance Program

Help and support are only a phone call away.

24-Hour Helpline

Attorneys/Law Students
505-228-1948 • 800-860-4914
Judges 888-502-1289
www.nmbar.org/JLAP

ADDRESS CHANGES

All New Mexico attorneys must notify both the Supreme Court and the State Bar of changes in contact information.

Supreme Court

Email: attorneyinfochange@nmcourts.gov
Fax: 505-827-4837
Mail: PO Box 848
Santa Fe, NM 87504-0848

State Bar

Email: address@nmbar.org
Fax: 505-797-6019
Mail: PO Box 92860
Albuquerque, NM 87199
Online: www.nmbar.org

Committee on Women and the Legal Profession #LawMom Luncheon

The Committee on Women and the Legal Profession invites all State Bar members to have lunch and listen to a panel discussion about general issues that parent-attorneys face on a day to day basis. Panelists include attorneys Quiana Salazar-King, Liz Garcia, Patricia Galindo and Michelle Hernandez. The luncheon is from noon-1 p.m., Oct. 19, at the Hispano Chamber of Commerce, located at 1309 4th St SW in Albuquerque. R.S.V.P.s are appreciated but not required. Contact Zoe Lees at zel@modrall.com to indicate your attendance.

Natural Resources, Energy and Environmental Law Section Nominations Open for 2016 Lawyer of the Year Award

The Natural Resources, Energy and Environmental Law Section will recognize an NREEL Lawyer of the Year during its annual meeting of membership, which will be held in conjunction with the Section's CLE on Dec. 16. The award will recognize an attorney who, within his or her practice and location, is the model of a New Mexico natural resources, energy or environmental lawyer. More detailed criteria and nomination instructions are available at www.nmbar.org/NREEL. Nominations should be submitted by Oct. 28 to Breanna Henley, bhenley@nmbar.org.

Young Lawyers Division Elections Have Begun

The election is now open for positions on the Young Lawyers Division Board. Regional director positions and a director-at-large position are available. State Bar members who are under the age of 36 or in their first five years of practice are automatically members of the Division and eligible to participate in the election. All candidates must collect at least 10 signatures from YLD members to become a candidate. Regional director petitions must be signed by at least 10 members whose principle place of practice is within the specified region. To view the positions up for election and download the nominating petition, visit www.nmbar.org/yld > elections. Send complete petitions, a headshot and a 100-150 word professional biography by Oct. 19 to Breanna Henley at bhenley@nmbar.org.

UNM Law Library Hours Through Dec. 18

Building & Circulation

Monday–Thursday	8 a.m.–8 p.m.
Friday	8 a.m.–6 p.m.
Saturday	10 a.m.–6 p.m.
Sunday	noon–6 p.m.

Reference

Monday–Friday	9 a.m.–6 p.m.
Saturday–Sunday	Closed

Holiday Closures

Nov. 24–25 (Thanksgiving)

OTHER BARS New Mexico Black Lawyers Association Immigration Law CLE

The New Mexico Black Lawyers Association invites members of the legal community to attend its “Immigration and Deportation” CLE (5.0 G, 1 EP) from 8 a.m.–4:30 p.m., on Nov. 18, at the State Bar Center in Albuquerque. Registration is \$225 and lunch is included. For more information or to register, visit www.newmexicoblacklawyersassociation.org. The deadline to request a refund is Nov. 11.

New Mexico Criminal Defense Lawyers Association ‘DWI 2016: The Dark Side of the Moon’

Colorado’s best DUI attorney for the fourth consecutive year in 2016, Jay Tiftickjian, is special guest speaker for the New Mexico Criminal Defense Lawyers Association’s “DWI 2016: Dark Side of the Moon” CLE (6.5 G). Tiftickjian will present on the effects of marijuana and driving and DWIs involving marijuana. Also in store for this CLE are National Highway Traffic Safety Administration field sobriety testing, the MVD and the Implied Consent Act and challenging breath tests. To join NMCDLA and register today, visit www.nmcdla.org.

New Mexico Hispanic Bar Association Fifth Annual Las Cruces CLE and Meet and Greet

Join the New Mexico Hispanic Bar Association for the “Fifth Annual Las Cruces CLE and Meet and Greet” (2.0 G, 1.0 EP) at 1:30 p.m., Oct. 28, at the Hotel Encanto de Las Cruces, 705 S. Telshor

Blvd., Las Cruces. Topics include pointers for preserving the record for appeal, making the most out of mediation and ethics y Español: representing Spanish-speaking clients. A meet and greet event, co-hosted by the UNM School of Law, will follow the CLE. For more information and to register, visit www.nmhba.net.

OTHER NEWS Association of Workplace Investigators Call for Journal Articles

The *AWI Journal* is seeking proposals for articles to be published in the quarterly publication of the Association of Workplace Investigators. Articles in the *Journal* focus on the many different aspects of workplace investigations, such as legal issues, practical matters, similarities and differences between workplace investigations and other fields of endeavor and developments in the law. AWI seeks proposals for the following types of articles: 1) substantive feature articles (3,000–5,000 words): usually authored by an attorney or a human resource professional; 2) case notes (900 words): shorter articles focusing on recent legal decisions or laws and their potential impact; and 3) articles that examine past employment laws or court decisions that affect workplace investigations today (900–2,000 words). The *AWI Journal*'s readership spans across 35 U.S. states and territories and internationally. AWI requests no local issues unless they have larger implications on workplace investigations. Send a brief one- or two-paragraph description to editor Susan Woolley at awijournal@awi.org. Do not send unsolicited manuscripts.

Center for Civic Values Gene Franchini High School Mock Trial Competition Needs Judges

The Gene Franchini High School Mock Trial Competition needs judges. Registration is now open for judges and administration volunteers for the qualifier competition (Feb. 17–18, 2017) and state competition (March 17–18, 2017). Mock trial is an innovative, hands-on experience in the law for high school students of all ages and abilities. Every year hundreds of New Mexico teenagers and their teacher advisors and attorney coaches spend the better part of the school year researching, studying and preparing a hypothetical courtroom trial involving

issues that are important and interesting to young people. Sign up at www.civicvalues.org. For more information, contact Kristen Leeds at the Center for Civic Values at 505-764-9417 or kristen@civicvalues.org.

Christian Legal Aid

New Volunteer Training Seminar

Christian Legal Aid of New Mexico invites new members to join them as they work together to secure justice for the poor and uphold the cause of the needy. Christian Legal Aid will be hosting a New Volunteer Training Seminar from 11 a.m.–5 p.m., Oct. 28, in the State Bar Board Room. Join them for free lunch, free CLE credits, and training as they learn the basics on how to provide legal aid. For more information or to register, contact Jim Roach at 505-243-4419 or Jen Meisner at 505-610-8800 or christianlegalaid@hotmail.com.

New Mexico Association of Drug Court Professionals 2016 Training Conference

Join the New Mexico Association of Drug Court Professionals for the 2016 Training Conference on Nov. 2–3 at the Sheraton Uptown in Albuquerque. The conference will offer up to 12.0 CLE credits (including a possible 1.5 EP). Topics include drug court standards and the statewide self-assessment report, the DWI offender as opposed to the drug offender. Register online at www.regonline.com/nmadcp2016fallconference.

Santa Fe Neighborhood Law Center

Law and Policy for Neighborhoods CLE

Join the Santa Fe Neighborhood Law Center for its annual CLE “Law and Policy for Neighborhoods” (10.0 G, 2.0 EP), Dec. 8–9 at the Santa Fe Convention Center. Featured speakers include Chief Justice Charles W. Daniels and recently retired Justice Richard C. Bosson. A discounted rate for early registration is available through Nov. 25. A free continental breakfast and box lunch will be provided both days on site for CLE attendees and faculty. For more information or to register, visit www.sfnlc.com/.

The Board Governing the Recording of Judicial Proceedings A Board of the Supreme Court of New Mexico

Expired Court Monitor Certifications

The following list contains the certification numbers and names of those court monitors whose New Mexico certifications expired as of July 31, 2016.

Name	CCM No.	City, State
Archuleta, Margaret	CCM# 269	Santa Fe, N.M.
Ashcroft, Jackie	CCM# 477	Farmington, N.M.
Baca, Lisa	CCM# 128	Truth or Consequences, N.M.
Bustamante, Victoria	CCM# 215	Albuquerque, N.M.
Carter, Shannon	CCM# 151	Lovington, N.M.
Casaus, Linda	CCM# 144	Clovis, N.M.
Cook, Darlene	CCM# 382	Albuquerque, N.M.
Cornelius, Vanessa	CCM# 413	Albuquerque, N.M.
Cowen, Cassandra	CCM# 188	Aztec, N.M.
Cox, Rosalyn	CCM# 323	Clovis, N.M.
Daniels, Darnell	CCM# 402	Farmington, N.M.
Duprey, Karen	CCM# 273	Alamogordo, N.M.
Geoffrion-Redd, Teresa	CCM# 354	Albuquerque, N.M.
Gibbany, Marian	CCM# 85	Roswell, N.M.
Gibson, Kathleen	CCM# 80	Albuquerque, N.M.
Graham, Jessy Lee	CCM# 394	Los Lunas, N.M.
Grubelnik, Kim	CCM# 142	Clovis, N.M.
Gurule, Marlene	CCM# 91	Albuquerque, N.M.
Jaramillo, Andrea	CCM# 407	Albuquerque, N.M.
Kinsel, Calvatrina	CCM# 327	Albuquerque, N.M.
Lough, Melinda	CCM# 115	Farmington, N.M.
Maestas, Patricia	CCM# 93	Las Vegas, N.M.
Maldonado, Evanna	CCM# 332	Taos, N.M.
Martin, James	CCM# 202	Bernalillo, N.M.
Martinez, Victoria	CCM# 98	Santa Fe, N.M.
Michael, Joseph II	CCM# 16	Grants, N.M.
Minero, Jessica	CCM# 335	Albuquerque, N.M.
Navarrette, Audrie	CCM# 379	Carlsbad, N.M.
Padilla, Davina	CCM# 476	Aztec, N.M.
Poynor, Mary	CCM# 65	Portales, N.M.
Rivera, LeeAnn	CCM# 406	Albuquerque, N.M.
Romero, Jennifer	CCM# 10	Albuquerque, N.M.
Romero, Josephine	CCM# 116	Bernalillo, N.M.
Sanchez, Doris	CCM# 105	Los Lunas, N.M.
Sena, Lorrie	CCM# 295	Grants, N.M.
Ulibarri, Orlando	CCM# 6	Clovis, N.M.
Vernon, Karen	CCM# 243	Albuquerque, N.M.
Whittemore, Nancy	CCM# 162	Carlsbad, N.M.
Woods, Rosemary	CCM# 414	Carrizozo, N.M.

BOARD OF BAR COMMISSIONERS ELECTION NOTICE 2016



Pursuant to Supreme Court Rule 24-101, the Board of Bar Commissioners is the elected governing board of the State Bar of New Mexico. Candidates must consider that voting members of the Board of Bar Commissioners are required to do the following:

Duties and Requirements for Board of Bar Commissioner Members:

- Attend all Board meetings (up to six per year), including the Annual Meeting of the State Bar.
- Represent the State Bar at local bar-related meetings and events.
- Communicate regularly with constituents regarding State Bar activities.
- Promote the programs and activities of the State Bar.
- Participate on Board and Supreme Court committees.
- Evaluate the State Bar's programs and operations on a regular basis.
- Ensure financial accountability for the organization.
- Support and participate in State Bar referral programs.
- Establish and enforce bylaws and policies.

Notice is hereby given that the 2016 election of eight commissioners for the State Bar of New Mexico will close at noon, Nov. 30. Nominations to the office of bar commissioner shall be made by the written petition of any 10 or more members of the State Bar who are in good standing and whose principal place of practice is in the respective district. Members of the State Bar may nominate and sign for more than one candidate. (See the nomination petition at www.nmbar.org/NmbarDocs/AboutUs/BBCElectionNotice2016.pdf.)

The following terms will expire Dec. 31, 2016, and need to be filled in the upcoming election. All of the positions are three-year terms, except as noted, and run from Jan. 1, 2017–Dec. 31, 2019.

First Bar Commissioner District

Bernalillo County

Two positions currently held by:

- Joshua A. Allison
- Mary Martha Chicoski*

Third Bar Commissioner District

Los Alamos, Rio Arriba, Sandoval and Santa Fe counties

Two positions currently held by:

- Carla C. Martinez**
- Carolyn A. Wolf

Fourth Bar Commissioner District

Colfax, Guadalupe, Harding, Mora, San Miguel, Taos and Union counties

One position currently held by:

- Ernestina R. Cruz

Sixth Bar Commissioner District

Chaves, Eddy, Lea, Lincoln and Otero counties

One position currently held by:

- Erinna M. Atkins (one-year term)

Seventh Bar Commissioner District

Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, Socorro and Torrance counties

Two positions currently held by:

- Roxanna M. Chacon
- Frank N. Chavez

*Ineligible to seek re-election

**Not seeking re-election

Send nomination petitions to:

Executive Director Joe Conte
State Bar of New Mexico
PO Box 92860
Albuquerque, NM 87199-2860
jconte@nmbar.org

Petitions must be received by 5 p.m., Oct. 24

Direct inquiries to 505-797-6099 or jconte@nmbar.org.



Good Signs to Look for When Choosing a Professional Liability Insurance Company

Introduction: You Bought It! You Better Read It!

Purchasing or renewing professional liability insurance can be a tedious task at best. Research is performed. Telephone calls are made to friends for advice and copious cups of coffee are consumed while slogging through boilerplate language and technical jargon.

In an effort to provide a bit of relief, members of the Lawyer's Professional Liability Committee put their collective heads together to come up with a list of 17 good signs to look for.* They reflect trends and issues in professional liability insurance that the Committee has encountered and/or addressed over the last several years. In an effort to ensure this information is disseminated to the members in a clear and concise way that is both practical and convenient, the Committee would like to introduce its new monthly tip column "Good Signs to Look for When Choosing a Professional Liability Insurance Company." The Column will highlight one or two of the items included on the Committee's best practices list along with a brief explanation of each. Included

this month is a peek at all 17 tips. Look for in-depth explanation of the first two tips in the Nov. 16 issue.

Every lawyer's insurance needs are different and the Committee's list of tips is by no means exhaustive; nor is the column a substitute for independent research. However, the Committee hopes that both the list and the column will provide food-for-thought when it comes time to pour another cup of coffee and begin the tedious task of purchasing or renewing your professional liability policy.

**This list is provided to members of the State Bar of New Mexico for use when evaluating potential professional malpractice insurers and policies. This list is meant for use as a guideline only. It is not exhaustive and is not a substitute for independent research. Before purchasing a professional malpractice insurance policy, please carefully read the policy and all accompanying documentation; evaluate their contents for accuracy, currency, relevance, and completeness; and, if necessary, obtain professional advice regarding the policy and the contents thereof.*

1. No action has been taken against the company by the New Mexico Office of the Superintendent of Insurance in the last five years;
2. There has been no nonrenewal on the basis of potential claims only;
3. Coverage for disciplinary matters in an amount of at least \$5,000 and including coverage for events occurring pre-Specification of Charges (the insured lawyer wants disciplinary coverage which will pay for representation in responding to a disciplinary complaint before Specification of Charges are filed);
4. There is a free tail policy after three years with the company for retiring attorneys;
5. Defense-within-limits policies will not erode more than half of the coverage amount;
6. If the policy is a defense-within-limits policy, the company will provide a separate letter/summary of coverage explaining the terms of the defense-within-limits coverage;
7. Company provides access to an independent risk advisor;
8. In the last five years, the company has no bad faith judgments entered against it in New Mexico;
9. Company has at least three different firms on its defense panel;
10. Company offers coverage for firms with one to six attorneys;
11. Company offers coverage for class action suits, as well as claims arising from estate planning and intellectual property matters;
12. Company holds an "Excellent (A or A-)" or better rating from AM Best;
13. Contact with a live representative is available;
14. The retroactive date and coverage includes all periods of time during which the insured was continuously covered under a prior malpractice insurance policy;
15. Policy provides coverage for pre-claim subpoenas and depositions;
16. Policy provides innocent insured coverage; and
17. Policy provides a broad definition of "Legal Services" to include mediation, arbitration, guardian ad litem, and personal representative services provided by the attorney.

Third Annual
Senior Lawyers Division
ATTORNEY MEMORIAL
SCHOLARSHIP PRESENTATION
AND RECEPTION

Tuesday, Nov. 15 • 5-7 p.m.
State Bar Center



Two UNM School of Law third-year students will be awarded a \$2,500 scholarship in memory of New Mexico attorneys who have passed away over the last year. The deceased attorneys and their families will be recognized during the presentation. The Senior Lawyers Division invites all State Bar members and UNM School of law faculty, staff, and students to attend.

R.S.V.P. to Breanna Henley, bhenley@nmba.org.



October is Pro Bono Month in New Mexico!



The Southwest Women's Law Center, the Volunteer Attorney Program, and the Justice for Families Project are excited to announce our collaboration making pro bono opportunities more accessible to attorneys in New Mexico.

We are looking for volunteers!

Pro Bono opportunities include:

- **One Woman, One Case, Once A Year**, a project pairing pro bono attorneys with cases that will have a significant impact on women's economic security by addressing issues that will lift women and children out of poverty using the legal system.
- **The Volunteer Attorney Program**, a project that gives attorneys the opportunity to help low-income individuals who are experiencing a wide range of legal problems by providing limited legal representation, advice on a single issue or full representation.
- **The Justice for Families Project**, a program that utilizes technology allowing urban attorneys to provide legal assistance to low-income families in New Mexico's ten poorest counties.

Please go to <http://bit.ly/2dL8TJ9> to sign up!

The Southwest Women's Law Center, the Volunteer Attorney Program, and the Justice for Families Project encourage all attorneys to participate in one of these exciting pro bono activities, and to invite us to your local bar association meetings to discuss these opportunities in greater detail.

For more information, please email us at info@swwomenlaw.org, or call us at (505) 244-0502.

CELEBRATE

PRO BONO

www.celebrateprobono.org

OCTOBER 2016: The American Bar Association has dedicated an entire week in October to the "National Celebration of Pro Bono." In New Mexico, the local Judicial District Court Pro Bono Committees have extended this celebration to span the entire month of October (and part of September). The committees are hosting a number of pro bono events across the state, including free legal fairs, clinics, recognition luncheons, Continuing Legal Education classes and more!

1st JUDICIAL DISTRICT:

Free Legal Fair

October 22, 2016 from 10 AM – 1 PM
Mary Esther Gonzales Senior Center
(1121 Alto St., Santa Fe, NM 87501)

9th JUDICIAL DISTRICT:

Pro Bono Appreciation Bench and Bar Mixer

October 21, 2016 from 3 PM – 6 PM
K-BOB's Steakhouse
(1600 Mabry Dr., Clovis, NM 88101)

2nd JUDICIAL DISTRICT:

Law-La-Palooza Free Legal Fair

October 20, 2016 from 3 – 6 PM
Alamosa Community Center
(6900 Gonzales Rd. SW #C, Albuquerque, NM 87121)

12th JUDICIAL DISTRICT (LINCOLN):

Free Legal Fair

October 29, 2016 from 10 AM – 2 PM
Ruidoso Community Center
(501 Sudderth Dr., Ruidoso, NM 88345)

6th JUDICIAL DISTRICT (LUNA):

Free Legal Fair

October 28, 2016 from 10 AM – 1 PM
Luna County District Court
(855 S. Platinum, Deming, NM 88030)

To learn more about any of the events, or to get involved with your local pro bono committee, please contact Aja Brooks at ajab@nmlegalaid.org or (505)814-5033. Thank you for your support of pro bono in New Mexico.

Legal Education

October

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| <p>19 Advanced Employment Law
6.0 G
Live Seminar, Albuquerque
NBI Inc.
www.nbi-sems.com</p> <p>19 Litigating the Groundwater Revolution
1.0 G
Live Seminar, Albuquerque
UNM School of Law
lawschool.unm.edu</p> <p>20 Annual Conference
6.6 G
Live Seminar
Workers Compensation Association
of Southern New Mexico
575-537-1173</p> <p>21 2016 Administrative Law Institute
4.0 G, 2.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>21 Ethics and Cloud Computing
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Annual Criminal Law Seminar
10.0 G, 2.0 EP
Live Seminar
El Paso Criminal Law Group Inc.
915-534-6005</p> <p>25 Fiduciary Standards in Business Transactions: Good Faith and Fair Dealing
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>26 Damages in Personal Injury
6.0 G
Live Seminar, Albuquerque
NBI Inc.
www.nbi-sems.com</p> <p>27 Spring Elder Law Institute (2016)
6.2 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>27 More Reasons to be Skeptical of Expert Witnesses (2015)
5.0 G, 1.5 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 2015 Federal Practice Tips and Advice From U.S. Magistrate Judges
2.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>27 Everything Old is New Again – How the Disciplinary Board Works (Ethicspalooza Redux—Winter 2015 Edition)
1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>28 2016 Appellate Bench and Bar Conference
5.0 G
Live Seminar, Santa Fe
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>28 5th Annual Las Cruces CLE and Meet and Greet
2.0 G, 1.0 EP
Live Seminar, Las Cruces
New Mexico Hispanic Bar
Association
www.nmhba.net</p> |
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November

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| <p>1 Journalism, Law and Ethics (2016 Annual Meeting)
1.5 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>1 Law Practice Succession – A Little Thought Now, a Lot Less Panic Later (2015)
2.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>1 The Rise of 3-D Technology: What Happened to IP? (2016 Annual Meeting)
1.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>1 Animal Law: Wildlife and Endangered Species on Public and Private Lands—The Tipping Point
6.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>2 Estate Planning for Religious and Philosophical Beliefs of Clients
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> <p>2 Top 8 Title Defects—Cured
6.0 G
Live Seminar, Albuquerque
NBI Inc.
www.nbi-sems.com</p> | <p>2-3 New Mexico Association of Drug Court Professionals Training Conference
12.0 CLE credits (including a possible 1.5 EP)
Live Seminar, Albuquerque
New Mexico Association of Drug Court Professionals
www.regonline.com/nmadcp2016fallconference</p> <p>3 Indian Law in 2016: What Indian Law Practitioners Need to Know
1.0 G, 2.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
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November

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| <p>4 ADR Institute: Mindful Mediation Skills for the Lawyer (and Non-Lawyer) Handling Conflict Resolution
5.2 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 The Art of Effective Speaking for Lawyers
4.5 G, 1.2 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Effective Use of Trial Technology (2016 Annual Meeting)
1.0 G
Live Replay, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>4 DWI 2016: Dark Side of the Moon
6.5 G
Live Seminar, Albuquerque New Mexico Criminal Defense Lawyers Association
www.nmcdla.org</p> | <p>16 Sophisticated Deposition Strategies
6.0 G
Live Seminar, Albuquerque NBI Inc.
www.nbi-sems.com</p> | <p>22 Best and Worst Practices Including Ethical Dilemmas in Mediation (2016)
3.0 G, 1.0 EP
Live Replay, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>10 Acquisitions of Subsidiaries and Divisions
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 2016 Probate Institute
5.5 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 CLE at Sea Trip, Western Caribbean Cruise (Nov. 28–Dec. 4)
10.0 G, 2.0 EP
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>10 Charter School Law in New Mexico
6.0 G
Live Seminar, Albuquerque NBI Inc.
www.nbi-sems.com</p> | <p>17 2016 Attorney-Client Privilege Update
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>30 Navigating the Amenity Process in Youthful Offender Cases (2016 Annual Meeting)
1.0 G
Live Replay, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>10 Estate Planning and Retirement Benefits
4.0 G
Live Seminar
Santa Fe Estate Planning Council
www.sfestateplanning.com</p> | <p>18 2016 Business Law Institute
5.5 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>30 Environmental Regulations of the Oil and Gas Industry (2016 Annual Meeting)
1.0 G
Live Replay, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>11 Ethics and Identifying Your Client: It's Not Always 20/20
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Ethics and Dishonest Clients
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>30 Building Your Civil Litigation Skills
6.0 G
Live Seminar, Albuquerque NBI Inc.
www.nbi-sems.com</p> |
| <p>14 Top Estate Planning Techniques
6.6 G
Live Seminar, Santa Fe NBI Inc.
www.nbi-sems.com</p> | <p>18 Immigration and Deportation
5.0 G, 1.0 EP
Live Seminar, Albuquerque New Mexico Black Lawyers Association
www.newmexicoblacklawyersassociation.org</p> | |

December

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| <p>1 Piercing the Entity Veil: Individual Liability for Business Acts
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>2 As Judges See It: Best (and Worst) Practices in Civil Litigation
6.0 G
Live Seminar, Las Cruces NBI Inc.
www.nbi-sems.com</p> | <p>2 Personal Injury Evidence: Social Media, Smartphones, Experts and Medical Records
6.0 G
Live Seminar, Albuquerque NBI Inc.
www.nbi-sems.com</p> |
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Opinions

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

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

Effective October 7, 2016

PUBLISHED OPINIONS

No. 34282 2nd Jud Dist Bernalillo LR-12-68, STATE v T GOODMAN (reverse and remand) 10/6/2016

UNPUBLISHED OPINIONS

No. 34607 3rd Jud Dist Dona Ana PQ-93-82, R MURRIETTA v W W MARABLE (reverse and remand) 10/3/2016
No. 35449 3rd Jud Dist Dona Ana DM-12-212, N FUST v C WANEK (affirm) 10/3/2016
No. 35533 2nd Jud Dist Bernalillo DM-14-2835, A MORALES v M VELETA-OLIVIAS (reverse) 10/3/2016
No. 34911 1st Jud Dist Santa Fe CV-07-2431, S KHALSA v I PURI (dismiss) 10/3/2016
No. 35513 5th Jud Dist Chaves DM-13-278, M MOSQUEDA MATA v J DE HARO (affirm) 10/3/2016
No. 35630 2nd Jud Dist Bernalillo CR-13-4500, STATE v K DICKERSON (affirm in part, reverse in part and remand) 10/3/2016
No. 35347 7th Jud Dist Sierra CR-14-39, STATE v C MONTOYA (affirm) 10/4/2016
No. 35351 2nd Jud Dist Bernalillo JQ-13-131, CYFD v JAMES S (reverse and remand) 10/4/2016
No. 35568 13th Jud Dist Sandoval DM-05-99, D KARPIEN v D KARPIEN (affirm) 10/4/2016
No. 35020 2nd Jud Dist Bernalillo CV-11-2262, R THOMAS v PRESBYTERIAN (affirm) 10/5/2016
No. 35366 5th Jud Dist Lea CR-15-133, STATE v D DEMORY (affirm) 10/5/2016
No. 34568 1st Jud Dist Santa Fe PB-11-160, E HEINE v A BARA (affirm) 10/5/2016
No. 34865 13th Jud Dist Sandoval CR-14-129, STATE v C HUYNH (affirm) 10/5/2016
No. 35281 2nd Jud Dist Bernalillo CV-11-5056, CV-08-338, REGIONAL AGUILAR v L FILANOSKY (affirm) 10/5/2016
No. 33964 13th Jud Dist Valencia CV-10-1054, I FRAIRE v TYLER EAST (reverse and remand) 10/5/2016
No. 34969 11th Jud Dist San Juan LR-14-111, STATE v J STEVENS (dismiss) 10/5/2016
No. 35612 13th Jud Dist Sandoval CV-13-962, E RIVERA v W GARDNER (dismiss) 10/5/2016
No. 34924 2nd Jud Dist Bernalillo CR-14-4587, CR-14-4586, STATE v I MELERO & L CAMPUZAN (affirm) 10/7/2016

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

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

Clerk's Certificates

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Dated Oct. 4, 2016

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Recent Rule-Making Activity

As Updated by the Clerk of the New Mexico Supreme Court

Joey D. Moya, Chief Clerk New Mexico Supreme Court
PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

Effective October 19, 2016

PENDING PROPOSED RULE CHANGES OPEN FOR COMMENT:

*There are no proposed rule changes
currently open for comment.*

RECENTLY APPROVED RULE CHANGES SINCE RELEASE OF 2016 NMRA:

Effective Date

RULES OF CIVIL PROCEDURE FOR THE DISTRICT COURTS

Rule 1-079 Public inspection and sealing
of court records 05/18/16

Rule 1-131 Notice of federal restriction on
right to possess or receive a
firearm or ammunition 05/18/16

CIVIL FORMS

Form 4-940 Notice of federal restriction on
right to possess or receive a
firearm or ammunition 05/18/16

RULES OF CRIMINAL PROCEDURE FOR THE DISTRICT COURTS

Rule 5-123 Public inspection and sealing
of court records 05/18/16

Rule 5-615 Notice of federal restriction on
right to receive or possess a
firearm or ammunition 05/18/16

RULES OF CRIMINAL PROCEDURE FOR THE MAGISTRATE COURTS

Rule 6-506 Time of commencement of trial 05/24/16

RULES OF CRIMINAL PROCEDURE FOR THE METROPOLITAN COURTS

Rule 7-506 Time of commencement of trial 05/24/16

RULES OF PROCEDURE FOR THE MUNICIPAL COURTS

Rule 8-506 Time of commencement of trial 05/24/16

CRIMINAL FORMS

Form 9-515 Notice of federal restriction on
right to possess or receive a
firearm or ammunition 05/18/16

CHILDREN'S COURT RULES AND FORMS

Rule 10-166 Public inspection and sealing
of court records 05/18/16

Rule 10-171 Notice of federal restriction on
right to receive or possess a
firearm or ammunition 05/18/16

Form 10-604 Notice of federal restriction on
right to possess or receive a
firearm or ammunition 05/18/16

SECOND JUDICIAL DISTRICT COURT LOCAL RULES

LR2-400 Case management pilot
program for criminal cases 02/02/16

To view all pending proposed rule changes (comment period open or closed), visit the New Mexico Supreme Court's website at <http://nmsupremecourt.nmcourts.gov>. To view recently approved rule changes, visit the New Mexico Compilation Commission's website at <http://www.nmcompcomm.us>.

From the New Mexico Supreme Court

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

Disciplinary No. 01-2016-734

In the Matter of **Peter A. Keys, Esq.**, an attorney licensed to practice law before the Courts of the State of New Mexico

FORMAL REPRIMAND

You are being issued this Formal Reprimand pursuant to the Conditional Agreement Not Contesting the Allegations and Consent to Discipline (“Consent Agreement”) which was approved by both a Hearing Committee and a Disciplinary Board Panel.

You represented a client in a domestic relations case in which you filed a Motion to Reopen Case, on behalf of the petitioner Mother, in order to seek additional child support for the petitioner’s offspring, a now-adult child. You sought to join as intervenors the then-child’s relatives (“Intervenors”) who had contributed to the child’s support while she was under the age of 18. You represented the Intervenors.

The Judge ruled in a hearing that because of a potential conflict of interest among the Intervenors and with the adult child, you could not represent the Intervenors. By Order the Judge specifically ordered: “Peter A. Keys shall not represent any of the [Intervenors].” However, you subsequently filed a Limited Representation Entry

of Appearance on behalf of the Intervenors, the substance of which made clear that there was no limitation to your representation of the Intervenors. You then filed pleadings on behalf of one of the Intervenors in which you sought to excuse the Judge. Your filings violated the Court’s Order.

Your conduct violated the following Rules of Professional Conduct: 16-304(C), by knowingly disobeying a Court’s Order; 16-305(D), by engaging in conduct intended to disrupt a tribunal; and 16-804(D), by engaging in conduct prejudicial to the administration of justice.

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

Dated Sept. 23, 2016

The Disciplinary Board
of the New Mexico Supreme Court

Curtis R. Gurley
Board Vice-Chair

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2016-NMSC-028

No. S-1-SC-35421 (filed June 2, 2016)

LIANE E. KERR, Esquire,
Petitioner-Pro Se,

v.

HON. KAREN PARSONS, Chief Judge, Twelfth Judicial District, Div. III,
Respondent,
and

SANTIAGO VICTOR CARRILLO, DIANA ATHENA MARTWICK, Twelfth Judicial District Attorney, THOMAS E. CLIFFORD,
Secretary, New Mexico Department Finance and Administration, COMMISSION FOR THE LAW OFFICE OF THE PUBLIC
DEFENDER, and JORGE ALVARADO, Chief, Law Office of the Public Defender,
Real Parties in Interest.

ORIGINAL PROCEEDING

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Attorney General

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Assistant Attorney General
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Finance Committee of the New
Mexico Legislature

Opinion

Judith K. Nakamura, Justice

{1} On petition for a writ of superintending control, we are called upon to review an order issued by the Twelfth Judicial District Court in the criminal prosecu-

tions against Santiago Carrillo. The district court's order held that the flat-fee rates paid to indigent defense contract counsel by the Law Office of the Public Defender (LOPD) contravened the right to counsel and nullified the Legislature's prohibition of the payment of hourly rates to contract counsel. The district court also issued a

remedial order directing the LOPD to pay every contract attorney no less than \$85 per hour and the State to provide the funding necessary for the LOPD to render such compensation. We hold that the General Appropriations Act of 2015, Chapter 101, Section 4(C) of New Mexico Laws of 2015, does not violate the right to the effective

assistance of counsel as guaranteed by the Sixth Amendment to the United States Constitution and Article II, Section 14 of the New Mexico Constitution. We do not presume that the flat-fee rates paid to Carrillo's contract attorney violate his right to counsel. Accordingly, we grant the writ of superintending control, vacate the district court's orders, and remand to the district court with instructions to proceed with the State's prosecutions against Carrillo.

I. BACKGROUND

A. The funding of public defender contract attorneys

{2} In all criminal prosecutions, the accused has the right to the effective assistance of counsel. U.S. Const. amend. VI; N.M. Const. art. II, § 14. The Indigent Defense Act, NMSA 1978, Sections 31-16-1 to -10 (1968), and the Public Defender Act, NMSA 1978, Sections 31-15-1 to -12 (1973, as amended through 2014), frame the statutory scheme by which the State ensures that counsel is provided to indigent defendants. These statutes effectuate the constitutional right of counsel for the defense of criminal charges. *State v. Rascon*, 1976-NMSC-016, ¶ 5, 89 N.M. 254, 550 P.2d 266.

{3} Under the Public Defender Act, the district public defender shall represent every person without counsel who is financially unable to obtain counsel and who is charged in any court in the district with any crime that carries a possible sentence of imprisonment. NMSA 1978, § 31-15-10(C) (2001). If the district public defender is unable to represent a person entitled to representation, the district public defender shall notify the chief public defender. § 31-15-10(E). Where the LOPD lacks a district office, or where the chief public defender has been alerted by a district public defender of an inability to represent a person entitled to representation, the chief public defender is required to provide representation by other means. *Id.*; see also NMSA 1978, § 31-15-7(A)(1) (2014). To that end, the LOPD may contract with private attorneys to serve as counsel. See § 31-15-7(B)(11). In accordance with the Procurement Code, NMSA 1978, §§ 13-1-28 to -199 (1984, as amended through 2016), the LOPD issues Requests for Proposals to elicit proposals from private attorneys seeking to provide contract counsel. It then selects which candidates will be offered contracts to provide indigent defense services.

{4} The roles of the legislative and executive branches in funding contract de-

fense counsel are clearly established. The Legislature delegated to the chief public defender the authority to formulate a fee schedule for the compensation of indigent defense contract counsel. § 31-15-7(B) (11). The expenses of the LOPD are "paid by warrants of the secretary of finance and administration, supported by vouchers signed by the chief [public defender] or the chief's authorized representative and in accordance with budgets approved by the state budget division of the department of finance and administration." NMSA 1978, § 31-15-5(B) (2013). Those budgets are funded by appropriation legislation. See, e.g., 2015 N.M. Laws, ch. 101, § 4(C).

{5} Prior to 2014, the chief public defender had established a flat-fee schedule for contract attorneys in all noncapital cases. In 2014, the rates paid to contract counsel in Lincoln County were as follows: \$180 per misdemeanor case, \$250 per juvenile case, \$540 per fourth-degree felony case, \$595 per third-degree felony case, \$650 per second-degree felony case, and \$700 per first-degree felony case, as determined by the highest degree crime charged. The Legislature provides the funding for such payments to contract counsel by appropriation legislation. See, e.g., General Appropriations Act of 2016, H.B. 2, § 4, 52nd Leg., 2nd Sess. (N.M. 2016), available at <http://www.nmlegis.gov/Sessions/16%20Regular/final/HB0002.pdf> (last viewed May 17, 2016). In the General Appropriations Act of 2014, the Legislature appropriated \$10,653,600 to the Public Defender Department for the provision of contractual services. 2014 N.M. Laws, ch. 63, § 4(C).

{6} We note that on September 2, 2014, the New Mexico Public Defender Commission and the LOPD submitted a budget request for fiscal year 2016. See New Mexico Public Defender Commission FY16 Budget Request, <http://nmccla.org/docs/Budget%20Request%20Narrative%20FY2016.pdf> (henceforward "NMPDC FY16 Budget Request") (last viewed May 17, 2016). See also *Griego v. Oliver*, 2014-NMSC-003, ¶ 47 n. 7, 316 P.3d 865 ("[T]his Court—or any court, trial or appellate—may take judicial notice of legislative facts by resorting to whatever materials it may have at its disposal establishing or tending to establish those facts." (alteration original)); *Attorney Gen. v. N.M. Pub. Serv. Comm'n*, 1991-NMSC-028, ¶ 24, 111 N.M. 636, 808 P.2d 606 (noting our authority to take judicial notice of agency actions); Rule 11-201 NMRA. The submission was the

Commission's first budget request. The Commission and the LOPD requested over \$96 million for the operation of the Public Defender Department. This budget request contemplated an hourly compensation of contract counsel at \$85 per hour, and it estimated the costs of such compensation to be \$45,726,000—more than four times the 2014 appropriation for contractual services. Around the same time, in November 2014, the LOPD and the Public Defender Commission established an hourly rate for compensation, subject to upper limits, known as "markers," for contract counsel in five counties: Roosevelt County, Lea County, Lincoln County, Luna County, and Eddy County. The LOPD and the Public Defender Commission set hourly rates for the compensation of contract attorneys to ensure the provision of adequate indigent defense counsel in those counties. {7} The Legislature responded to the LOPD's and the Commission's request of \$45,726,000 for contractual services by appropriating \$12,840,800 for the same. 2015 N.M. Laws, ch. 101, § 4(C). When making this appropriation the Legislature explicitly provided that "[t]he appropriations to the public defender department shall not be used to pay hourly reimbursement rates to contract attorneys." *Id.* (emphasis added). It appears that the Legislature's condition on the appropriation for contractual services was a reaction to the Commission's large request for contractual services, which was based on the Commission's plan to compensate contract attorneys at a rate of \$85 per hour. For instance, during the May 21, 2015, State Board of Finance Meeting to consider an Emergency Funding Request by the LOPD, Department of Finance and Administration Secretary Thomas Clifford indicated that the Legislature included language in the 2015 appropriations statute to prohibit hourly rates because the Legislature understood that the Commission's plan to pay contract counsel \$85 per hour was the predominant cause of the Commission's significant budget request for fiscal year 2016.

{8} On June 29, 2015, in the matter of *State v. Carrillo*, the Twelfth Judicial District Court decided that the Legislature's requirement that the appropriation designated for contract counsel shall not be used to pay hourly rates violated the right to the effective assistance of counsel as guaranteed by the Sixth Amendment to the United States Constitution and Article II, Section 14 of the New Mexico Constitution. The district court issued an

order entitled “Order Declaring Limits for Payment to Contractors in Order for Contractors to Provide Effective Assistance of Counsel,” which in relevant part provided:

The flat fee rates heretofore paid and to be paid to contractors/ conflict attorneys by and through the Law Offices of the Public Defender for fiscal years 2016 and preceding fiscal years is not sufficient to comply with *Gideon v. Wainwright*[], 372 U.S. 335 (1963), it is therefore ordered the State properly fund effective assistance of counsel for indigent defendants and is therefore unconstitutional both under the United States Constitution and the New Mexico Constitution; The Public Defender Department shall pay to each and every contractor no less than \$85.00 per hour plus GRT (gross receipts tax) for the attorney and \$35.00 an hour plus GRT for staff, with appropriate markers . . . together with costs of copies and postage to be sent to indigent clients and/ or other attorneys and experts, the costs of transportation and overnight stay paid based on the New Mexico State Per Diem rates and rules, and the costs of collect calls from the client to the attorney; so the attorney may have at least the bare minimum of monies to provide the effective representation necessary.

The district court’s order in *State v. Carrillo* precipitated the instant petition, and we now turn to that case.

B. The district court orders that are the subject of review

{9} In the exercise of our power of superintending control, we may take judicial notice of the proceedings in the district court. Rule 11-201 NMRA; *see also State v. Anaya*, 1997-NMSC-010, ¶ 13, 123 N.M. 14, 933 P.2d 223 (“[W]e may take judicial notice of the record on file in this Court.”); *but cf. Richardson Ford Sales v. Cummins*, 1964-NMSC-128, ¶ 5, 74 N.M. 271, 393 P.2d 11 (noting that on appeal the facts necessary to present a question for review must be established by a certified record). On November 28, 2012, the State filed a criminal complaint against Carrillo, charging him with counts of voyeurism, contrary to NMSA 1978, Section 30-9-20 (2007), possession of a controlled substance, contrary to NMSA 1978, Section

30-31-23(E) (2011), and possession of drug paraphernalia, contrary to NMSA 1978, Section 30-31-25.1 (2011). On December 21, 2012, Charles Hawthorne filed an entry of appearance to represent Carrillo against the charges. On January 3, 2014, Hawthorne moved to withdraw as Carrillo’s counsel because Carrillo had not remained in contact and had not paid Hawthorne. The district court granted that motion on January 6, 2014.

{10} On January 23, 2014, the State filed a criminal information against Carrillo, charging him with criminal sexual penetration in the third degree, contrary to NMSA 1978, Section 30-9-11(F) (2009). Shortly thereafter, on January 28 and 29, 2014, Gary Mitchell entered an appearance to represent Carrillo as contract counsel against both prosecutions.

{11} On April 23, 2014, Carrillo filed a motion in the first case requesting the district court to compel the State to provide sufficient funds to his contract counsel so that his attorney could provide effective assistance and to stay proceedings in the matter until the State provided such funding. The district court understood the motion to pertain to both prosecutions and held hearings on Carrillo’s motion on September 23, 2014, and October 1, 2014. The district court issued an interim order on December 4, 2014, making the LOPD a party to the case and requiring the LOPD to compensate Mitchell a minimum of \$85 per hour to represent indigent defendants in all cases assigned to him (including Carrillo’s cases), but not to exceed a total compensation per case as set by the markers established by the Commission, on pain of dismissal.

{12} On December 11, 2014, the LOPD filed an emergency motion to reconsider and to stay the execution of the interim order. The LOPD argued that the district court’s interim order would affect its operations statewide and that it could not immediately implement the order without compromising representation in other counties. On January 10, 2015, and March 23, 2015, the district court held hearings to consider the LOPD’s motion to reconsider and stay.

{13} On April 15, 2015, Carrillo moved to dismiss his criminal complaint because “no indigent person can be prosecuted unless and until the defendant has an attorney who receives sufficient funds from the State to provide effective assistance of counsel.” On June 4, 2015, after he became aware of the Legislature’s condition that

the appropriation designated for contract counsel should not be used to pay hourly rates, Carrillo moved the district court to declare that the provision contravened his right to the effective assistance of counsel. {14} On June 29, 2015, the district court held a hearing on all pending motions. Shortly thereafter, it issued four orders: *First*, the district court entered an order nullifying the provision of the General Appropriation Act of 2015’s prohibition of the payment of hourly rates to contract counsel as violative of the Federal Constitution and the New Mexico Constitution. *Second*, based on its conclusion that the flat-fee rates paid to contract counsel by the LOPD contravene the constitutional guarantee of effective assistance of counsel under *Gideon v. Wainwright*, 372 U.S. 335 (1963), the district court ordered the State to “properly fund effective assistance of counsel” and required the LOPD to pay “each and every contractor no less than \$85.00 per hour” plus additional monies “so the attorney may have at least the bare minimum of monies to provide the effective representation necessary.” *Third*, because the LOPD represented that it could not comply with its orders due to lack of funding, the district court entered an order staying the prosecutions against Carrillo unless and until the State provides the funding and the LOPD pays Carrillo’s attorney the amounts ordered by the Court. *Fourth*, the district court ordered the Sheriff of Lincoln County to release Carrillo and imposed conditions on Carrillo’s release.

C. The petition for an extraordinary writ

{15} Liane Kerr is an attorney who has contracted with the LOPD to represent indigent defendants for the past 23 years. On July 17, 2015, she filed a petition in this Court for a writ of superintending control or alternative writ to vacate the second order the district court issued on June 29, 2015. The petition alleged that because the LOPD lacked the funds to comply with this order, the LOPD’s attempt to comply would precipitate insolvency and threaten its ability to honor the contracts of the Petitioner and other contract counsel. The petition named the following real parties in interest: Diana Martwick, the District Attorney for the Twelfth Judicial District; Thomas Clifford, the Secretary of the Department of Finance and Administration; the Commission and its members; and Jorge Alvarado, then the Chief Public Defender. We received responses from

each of those parties. We also accepted an amicus curiae brief from the Legislative Finance Committee.

II. DISCUSSION

A. Our exercise of superintending control

{16} Article VI, Section 3 of the New Mexico Constitution confers on this Court “superintending control over all inferior courts” and the power to issue “writs necessary or proper for the complete exercise of . . . [our] jurisdiction and to hear and determine the same.” “The power of superintending control is the power to control the course of ordinary litigation in inferior courts.” *Dist. Court of Second Judicial Dist. v. McKenna*, 1994-NMSC-102, ¶ 3, 118 N.M. 402, 881 P.2d 1387 (internal quotation marks and citation omitted). In contrast to the writ of prohibition, the writ of superintending control is not limited to the correction of jurisdictional errors. *Albuquerque Gas & Elec. Co. v. Curtis*, 1939-NMSC-024, ¶ 7, 43 N.M. 234, 89 P.2d 615. Where appropriate, the power of superintending control permits this Court’s interposition to correct any *specie* of error. *See id.* ¶¶ 7, 12-14. We may exercise our power of superintending control to control the course of ordinary litigation “if the remedy by appeal seems wholly inadequate.” *McKenna*, 1994-NMSC-102, ¶ 4. We may also exercise the power of superintending control “where it is deemed to be in the public interest to settle the question involved at the earliest moment.” *Griego v. Oliver*, 2014-NMSC-003, ¶ 11, 316 P.3d 865 (internal quotation marks and citation omitted).

{17} The district court’s constitutional holding and remedial orders call for the exercise of this power. The Commission’s budget request for fiscal year 2016 exceeded \$45 million to compensate contract counsel at \$85 per hour, and the Legislature appropriated over \$12 million for contract counsel in the same time period. Merely looking to the discrepancy between the Legislature’s appropriation and the Commission’s estimation of what statewide compensation of contract counsel at \$85 per hour would require, it is readily apparent that the LOPD’s attempt to comply fully with the district court’s order would threaten its ability to perform its duties. Further, the district court’s order to stay Carrillo’s prosecutions until the State provides the ordered funding and the LOPD pays the ordered funding to Carrillo’s contract counsel jeopardizes the administration of criminal justice in New

Mexico. It is in the public interest to settle the dispositive issue in this case now. Accordingly, we grant the petition and issue a writ of superintending control.

B. Neither the current flat-fee schedule nor the Legislature’s prohibition of hourly compensation rates for contract counsel violates Carrillo’s right to counsel

{18} The parties raise two issues: First, does the current flat-fee schedule for the compensation of contract counsel, solidified by the Legislature’s requirement that the LOPD not use the appropriation for contract counsel to pay hourly reimbursement rates, violate the right to counsel as guaranteed by the Federal Constitution and the New Mexico Constitution? Second, did the district court’s remedial orders requiring the State to fund compensation to contract counsel at \$85 per hour and the LOPD to pay such a rate to Carrillo’s counsel contravene the separation of powers as established by Article III, Section 1 of the New Mexico Constitution? Because we decide the former issue, we do not reach the latter.

{19} In support of the district court’s order, Carrillo argues that the current flat-fee arrangement for the compensation of contract counsel impinges upon his right to the effective assistance of counsel. The Commission makes a similar argument to support the district court’s order and contends that the current flat-fee scheme violates the right to counsel of any indigent defendant represented by contract counsel. Both Carrillo and the Commission root their arguments in *State v. Young*, 2007-NMSC-058, 143 N.M. 1, 172 P.3d 138, and *United States v. Cronin*, 466 U.S. 648 (1984).

{20} Ordinarily, to make out a claim of ineffective assistance of counsel, a criminal defendant needs to establish both that their counsel’s assistance was not objectively reasonable and that but for the counsel’s errors, the result of the proceeding would have been different. *State v. Grogan*, 2007-NMSC-039, ¶ 11, 142 N.M. 107, 163 P.3d 494; *see generally Strickland v. Washington*, 466 U.S. 668, 687-96 (1984). Both Carrillo and the Commission contend that the test for ineffective assistance under *Strickland* is inapposite. We agree. Because the district court stayed the prosecutions against Carrillo, we cannot address whether the results of those proceedings would be different if Carrillo’s counsel were paid according to a different compensation formula.

{21} Some circumstances, however, “are so likely to prejudice the accused that the cost of litigating their effect in a particular case is unjustified.” *Cronic*, 466 U.S. at 658; *see also Grogan*, 2007-NMSC-039, ¶¶ 12-13 (noting circumstances where courts may presume prejudice). In certain cases, “the likelihood that any lawyer . . . could provide effective assistance is so small that a presumption of prejudice is appropriate without inquiry into the actual conduct of the trial.” *Cronic*, 466 U.S. at 659-60 (citation omitted). The presumption of prejudice is justified, for example, where “counsel entirely fails to subject the prosecution’s case to meaningful adversarial testing.” *Id.* at 659.

{22} In *State v. Young*, this Court applied *Cronic* to presume ineffective assistance of counsel because the attorneys for the defendants in that capital case were “not receiving adequate compensation.” 2007-NMSC-058, ¶ 18. In *Young*, we decided in a *specific capital case* that a flat-fee arrangement justified the presumption of ineffective assistance. *Id.* *Young* was “one of the most complex death penalty cases ever tried in New Mexico,” and the defendants were appointed contract attorneys who contracted to provide representation through trial for a flat fee of \$19,500 for each first-chair attorney and \$9,500 for each second-chair attorney. *Id.* ¶¶ 6-7. One attorney estimated that she and her co-counsel would spend a total of 2334 hours on the case and moved to withdraw. *Id.* ¶¶ 9, 12. This Court found “that the attorneys for the defendants . . . [were] not receiving adequate compensation,” *id.* ¶ 12, that capital cases are extraordinarily expensive and require specialized skills, *id.* ¶¶ 14-15, and that the *Young* case was “unusually protracted because of its extraordinary complexity,” *id.* ¶ 18. This Court concluded that those facts justified “a presumption of ineffective assistance of counsel.” *Id.* ¶ 18.

{23} *Young* guides our review. In *Young*, we expressly noted that the holding was cinched to its facts. *Id.* ¶ 27. *Young* did not hold that a flat-fee arrangement necessarily abridges the right to the effective assistance of counsel in capital cases. *See id.* In fact, we expressly refused “to condemn a flat fee structure or cap in all capital cases.” *Id.* ¶ 18. When we expressly refused to presume that a flat fee entails ineffective assistance in all capital cases, we necessarily implied that we would not presume that a flat fee entails ineffective assistance in all criminal cases.

{24} We find no basis to depart from *Young* now. We cannot assume that any contract attorney in New Mexico who represents an indigent defendant under the current flat-fee arrangement necessarily will be unable “to subject the prosecution’s case to meaningful adversarial testing.” *Cronic*, 466 U.S. at 659. Such a presumption is too great a leap from *Young* where we were only willing to presume ineffectiveness based on a flat-fee contract for one extraordinarily complicated capital case. This presumption would also constitute a huge departure from *Cronic*, where the United States Supreme Court suggested a willingness to presume ineffectiveness under circumstances in which an indigent defendant effectively has no assistance at all. *See id.* We cannot make that leap. In its response to the petition, the LOPD tellingly stated that “Public Defender contractors provide effective assistance of counsel in thousands of cases under the present flat-fee contract.” This concession undermines the contention that this Court is justified to assume that an indigent defendant necessarily receives ineffective assistance when represented by contract counsel who is compensated at the current flat-fee rates.

{25} Carrillo argues that flat-fee contracts are problematic because they “are rife with financial incentives for lawyers to do as little work on cases as possible.” But this argument also fails to justify the presumption of ineffective assistance. The first term in the professional service contract that the LOPD offers to contractors requires a contracting attorney to provide legal services in accordance with the Sixth Amendment to the United States Constitution and Article II, Section 14 of the New Mexico Constitution. We assume that attorneys represent their clients honorably, consistent with both their professional duties and the terms under which they contract with the LOPD to provide indigent defense. *See People v. Doolin*, 198 P.3d 11, 32-33 (Cal. 2009) (finding that the state’s lump-sum compensation agreement did not create a conflict of interest between the defendant and his attorney). In light of the LOPD’s representation that contract counsel provides effective assistance in thousands of cases across the state, we do not think that the current flat-fee structure undermines this assumption. We find no basis to presume that any indigent defendant currently represented by contract counsel necessarily receives constitutionally deficient assistance. Accordingly, we

will not presume that Carrillo will necessarily receive ineffective assistance because he is represented by contract counsel who is compensated by the current flat-fee arrangement.

{26} We also note that our refusal to depart from *Young* does not etch into stone the fees currently paid to indigent defense contract counsel. The Legislature delegated to the chief public defender the authority to formulate a fee schedule for the compensation of contract counsel. In Chapter 101, Section 4(C) of New Mexico Laws of 2015, the Legislature appropriated funds for contract counsel on the condition that the appropriation not be used to pay fees based on hourly rates. We note that the Legislature recently carried that condition forward in the General Appropriations Act of 2016. H.B. 2, § 4, 52nd Leg., 2nd Sess. (N.M. 2016), available at <http://www.nmlegis.gov/Sessions/16%20Regular/final/HB0002.pdf> (last viewed May 17, 2016) (“Appropriations to the public defender department shall not be used to pay hourly rates to contract attorneys.”).

{27} “We have consistently maintained that the Legislature has the power to affix reasonable provisions, conditions or limitations upon appropriations and upon the expenditure of the funds appropriated.” *See State ex rel. Coll v. Carruthers*, 1988-NMSC-057, ¶ 17, 107 N.M. 439, 759 P.2d 1380 (internal quotation marks and citations omitted). On the facts presented, we do not conclude that the Legislature’s condition is unreasonable. The chief public defender retains the discretion to formulate a fee schedule that would establish higher flat fees than those currently paid to contract attorneys. Moreover, the Legislature’s condition that appropriations for contract counsel not be used to pay hourly rates is not itself constitutionally fixed; it may yet be resolved by the normal democratic process. Therefore, while we appreciate the roles and challenges of the LOPD, the Commission, and contract counsel statewide to effectuate the rights of the criminally accused, we do not see that a constitutional prohibition on flat fees is necessary to ensure those rights.

{28} While we note the Legislature’s broad power to appropriate funds and to affix limitations on those appropriations, *see Carruthers*, 1988-NMSC-057, ¶ 17, we also recognize that some limitations on funding for the provision of indigent defense could be so severe as to create a presumption of ineffective assistance of counsel in particular cases. *See Young*,

2007-NMSC-058, ¶¶ 9-12; *cf. also Lavellee v. Justices in the Hamden Super. Ct.*, 812 N.E.2d 895, 901 (Mass. 2004) (holding that scheme for the provision of indigent defense, including a budget appropriation to fund county bar advocates program, violated the Massachusetts constitutional right to counsel). It is beyond our power to advise the Legislature as to which hypothetical limitations on the funding of indigent defense would engender such a presumption. *See Bell Tel. Labs., Inc. v. Bureau of Revenue*, 1966-NMSC-253, ¶ 39, 78 N.M. 78, 428 P.2d 617. (“This court does not give advisory opinions.”). Nevertheless, we confront no obstacle in saying that the rights to the effective assistance of counsel, as guaranteed by the Sixth Amendment to the United States Constitution and Article II, Section 14 of the New Mexico Constitution, impose real constraints on the Legislature’s exercise of its power to limit the funding necessary to the provision of indigent criminal defense in New Mexico. Today, we hold on the record before us that the General Appropriations Act of 2015, Chapter 101, Section 4(C) of New Mexico Laws of 2015, does not infringe constitutional guarantees to the effective assistance of counsel. Future cases, however, presenting other record facts, could precipitate our duty to enforce those same constitutional rights.

C. We do not reach the separation-of-powers issue

{29} The district court’s remedial order that the State fund compensation to contract counsel at \$85 per hour and that the LOPD pay such a rate to Carrillo’s counsel threatens to intrude into the prerogatives of the coordinate branches of government. Whether the district court’s remedial order violates the separation of powers, however, is a more complicated question and involves the subsidiary issue of whether the district court had the inherent power to issue an order to compel funding. *Cf. State ex rel. Quintana v. Schnedar*, 1993-NMSC-033, ¶ 3, 115 N.M. 573, 855 P.2d 562 (“There is no doubt that the judiciary has the inherent authority to guarantee the enforcement of constitutional civil liberty protections in criminal prosecutions.”).

{30} We do not address whether the district court’s remedial order contravenes the separation of powers because it is unnecessary to the disposition of this case. *See Allen v. LeMaster*, 2012-NMSC-001, ¶ 28, 267 P.3d 806 (“It is an enduring principle of constitutional jurisprudence that courts will avoid deciding constitutional questions

unless required to do so.”). Where there is no violation of a right, a court lacks the power to compel an officer of a coordinate branch of government to perform a duty. *See, e.g., State ex rel. Coll v. Johnson*, 1999-NMSC-036, ¶ 12, 128 N.M. 154, 990 P.2d 1277 (“[A] writ of mandamus is available only to one who has a clear legal right to the performance sought” (internal quotation marks and citation omitted)); *Schein v. N. Rio Arriba Elec. Coop., Inc.*, 1997-NMSC-011, ¶ 22, 122 N.M. 800, 932 P.2d 490 (“Relevant rights and duties must be established before a writ of mandamus can issue.”). Hence, only if the current flat-fee arrangement and the General Appropriations Act of 2015, Chapter 101, Section 4(C) of New Mexico Laws of 2015, violated a right held by Carrillo did the district court have the power to issue the remedial order in dispute. Because the current flat-fee arrangement for the compensation of indigent defense contract counsel and the legislation prohibiting hourly reimbursement rates to contract counsel do not violate Carrillo’s right to the effective assistance of counsel, we conclude that the district court lacked the power to issue a remedial order directing the LOPD to pay hourly rates and the State to provide additional funding. Accordingly, we need not reach whether that order violated the separation of powers.

CONCLUSION

{31} For the foregoing reasons, we grant the petition for a writ of superintending control and vacate the following orders of the district court: the December 2, 2014, Interim Order; the June 29, 2015, Order Declaring the Prohibition Against Hourly Rates to Contractors Unconstitutional; the June 29, 2015, Order Declaring Limits for Payment to Contractors in Order for Contractors to Provide Effective Assistance of Counsel; and the June 30, 2015, Order Granting Stay of Proceedings and Releasing Defendant from Custody. We do not vacate the June 20, 2015, Release Order, and we remand to the district court with instructions to modify the release order if appropriate and proceed with the State’s prosecutions against Carrillo.

{32} IT IS SO ORDERED.

JUDITH K. NAKAMURA, Justice

WE CONCUR:

CHARLES W. DANIELS, Chief Justice

PETRA JIMENEZ MAES, Justice

EDWARD L. CHÁVEZ, Justice

BARBARA J. VIGIL, Justice,
specially concurring

VIGIL, Justice (specially concurring).

{33} The instant appeal highlights a chronic problem that plagues the criminal justice system in New Mexico. The district court characterized the “major issue” in this case as “the failure by the State of New Mexico . . . to provide sufficient funds to pay for effective assistance of counsel for indigent defendants in criminal cases.” Thus, the district court’s orders were in direct response to a perceived crisis, fueled by a shortage in human and financial resources available to the LOPD for its work in Lincoln County. And because it is ultimately the duty of the courts to ensure the protection of constitutional rights, the district court took action. Although I agree with the holding and legal analysis laid out in the majority opinion explaining why those orders must be vacated, I write separately to discuss other facets of this important case which I believe are deserving of attention.

{34} In its landmark 1963 opinion in *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963), the United States Supreme Court held that the obligation to ensure that indigent defendants have access to counsel falls on the State, and where a defendant cannot afford an attorney, the State is responsible for providing counsel “in order to ensure fairness” in the proceedings. *State v. Brown*, 2006-NMSC-023, ¶ 12, 139 N.M. 466, 134 P.3d 753. In response to *Gideon*, the New Mexico Legislature enacted the Indigent Defense Act (IDA), NMSA 1978, §§ 31-16-1 to -10 (1968), and the Public Defender Act (PDA), NMSA 1978, §§ 31-15-1 to -12 (1973, as amended through 2014). The IDA specifically mandates that “[t]he attorney, services and facilities and expenses and court costs shall be provided at public expense for needy persons.” Section 31-16-3(A). The PDA created a centralized public defender department (Department) and provides that the “public defender shall represent every person without counsel who is financially unable to obtain counsel and who is charged . . . with any crime that carries a possible sentence of imprisonment.” Section 31-15-10(C) (emphasis added).

{35} Prior to these enactments, it was the responsibility of the courts to appoint counsel upon a finding that a defendant could not afford to hire an attorney. *See, e.g., State v. Anaya*, 1966-NMSC-144, ¶ 13, 76 N.M. 572, 417 P.2d 58 (“When the offense with which the defendant is charged is punishable by imprisonment in the penitentiary, the court is required to assign

counsel ‘if the prisoner has not the financial means to procure counsel[.]’” (citation omitted)). In New Mexico and elsewhere, these appointed attorneys were not paid for their services. However, systems in which attorneys were required to provide representation for free or very little money have not passed constitutional scrutiny. Indeed, courts in several jurisdictions have determined that the failure to provide reasonable compensation for legal services amounts to a taking of property, in violation of the attorney’s Fifth Amendment rights. *See, e.g., DeLisio v. Alaska Superior Court*, 740 P.2d 437, 442 (Alaska 1987) (“[A] court appointment compelling an attorney to represent an indigent criminal defendant is a taking of property for which just compensation is required.”); *Arnold v. Kemp*, 306 Ark. 294, 302 (1991), holding modified by *State v. Post*, 311 Ark. 510 (1993) (“[T]he burden imposed on [the attorneys] is excessive to the extent that it constitutes a ‘taking’ of their property and to limit them to a mere award of \$1,000.00 for their work and skills is constitutionally unacceptable.”); *State ex rel. Stephan v. Smith*, 242 Kan. 336, 370 (1987) (“When the attorney is required to advance expense funds out-of-pocket for an indigent, without full reimbursement, the system violates the Fifth Amendment. Similarly, when an attorney is required to spend an unreasonable amount of time on indigent appointments so that there is genuine and substantial interference with his or her private practice, the system violates the Fifth Amendment.”). While New Mexico courts still retain the authority to appoint counsel, since the enactment of the PDA, the Department has the responsibilities of determining eligibility and providing counsel to indigent defendants, and it pays those attorneys using appropriations it receives from the Legislature. *See State ex rel. Quintana v. Schnedar*, 1993-NMSC-033, ¶ 12, 115 N.M. 573, 855 P.2d 562 (explaining that the Department has the statutory authority to establish indigency guidelines and, while courts should defer to the department’s determinations, they “retain the ultimate authority to determine indigence and the discretionary ability to order the appointment of a public defender when it is necessary to protect the defendant’s constitutional or statutory rights”).

{36} Over time, the Department has had to fulfill its duties with extremely limited resources as it strives to provide the highest quality representation possible. The Department recently underwent a significant

change in its structure in 2012, when the voters of New Mexico approved a state constitutional amendment to establish a “public defender commission” to oversee the “public defender department . . . as an independent state agency” and “provide guidance to the chief public defender in the administration of the department and representation of indigent persons.” N.M. Const. art. VI, § 39 (internal quotation marks omitted). Prior to the amendment, the Department was “administratively attached” to the executive branch, and the governor had the power to appoint the chief public defender. See § 31-15-4(A), (C) (1985); compare § 31-15-5(A) (1978) with § 31-15-5(A) (2013). Now the Department is overseen and the chief public defender is appointed by the independent commission. Section 31-15-4(A) (2013). Yet, the State’s obligation to pay the costs of indigent defense through the funding of the Department remains unchanged. See Section 31-15-5(B) (remaining essentially unchanged after 2013 amendments).

{37} The instant constitutional challenge to the Department’s fee schedule for providing payment to contract defense counsel throughout Lincoln County was presented in the context of one defendant’s case. Defense counsel argued that while the lack of resources provided to him by the Department has made it difficult to render effective representation, he would nonetheless be able to provide constitutionally effective assistance to his client in this case. Defense counsel relies upon *Cronic* and *Young* to support his constitutional claim, but as set forth in the majority opinion, those cases each address a situation in which circumstances surrounding a case impacted the defense attorneys’ ability to provide effective representation in that particular case, not the type of systemic or structural problem that the district court attempted to address below. Accordingly, the record before us does not present a sufficient basis for declaring there has been a denial of the right to effective assistance of counsel based on the wages paid to contract criminal defense attorneys in Lincoln County.

{38} Other jurisdictions have been called upon to address structural problems like underfunding or low attorney compen-

sation which amounted to a systematic deprivation of the right to counsel. In such cases,

the focus is not on a post-hoc historical review of a criminal trial, but is instead based on the structure through which indigent defense is provided by the state. A structural challenge involves a realistic assessment of whether the state has provided an adequate framework for ensuring that the right to counsel is realized in cases involving indigent defense.

Simmons v. State Pub. Def., 791 N.W.2d 69, 76 (Iowa 2010). Low pay for contract counsel has been the basis of some structural challenges, and where the pay is so low that it has resulted in a shortage of attorneys necessary to represent all defendants in need, courts have found that such arrangements do not satisfy a state’s obligation to provide counsel. See, e.g., *Lavallee v. Justices in Hampden Superior Court*, 442 Mass. 228, 246 (2004) (concluding there was a constitutional violation where low pay for contract attorneys had led so many of those attorneys to discontinue taking on contract cases that the nineteen petitioners had no lawyer to assist them during their arraignments or bail hearings); *N.Y. Cty. Lawyers’ Ass’n v. N.Y.*, 763 N.Y.S.2d 397, 399-400 (2003) (holding that the state’s failure to increase the rates paid to contract counsel “violates the constitutional and statutory right to meaningful and effective representation” because it had caused a shortage of attorneys and led to court delays, denial of counsel, and ineffective assistance by the remaining attorneys who shoulder larger caseloads). At least one court has also found there was a constitutional violation where defendants received appointed counsel, but the attorneys were paid so low and had so many cases that it was “virtually impossible that the lawyer, no matter how competent or diligent, [would] be able to provide effective assistance.” *Wilbur v. City of Mount Vernon*, 989 F. Supp. 2d 1122, 1132 (W.D. Wash. 2013). In *Wilbur*, the court found that the total payments to contract counsel worked out to \$10 or less per case and concluded that this violated the defendants’ right to counsel. *Id.*

{39} In the absence of a constitutional violation, it is imperative in the administration of justice that we respect the independence of the Department and the Commission and refrain from interfering with their internal management decisions. See *ABA Ten Principles of a Public Defense Delivery System 2*, (February 2002), http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf (last viewed May 27, 2016) (emphasizing the importance of having a public defense function that is “independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel”). It is the role of the chief public defender and Commission to determine how best to allocate resources for the functions of the Department as a whole. These administrators are legally responsible for deciding how to use the available funding in a manner most beneficial to the overall needs of the Department. The judiciary will only intervene when presented with a case that demonstrates that the Department’s operations violate the constitution, either because of unlawful managerial decisions or a lack of resources necessary for providing the effective representation required under our Constitution and statutes.

{40} Keeping New Mexicans safe is the ultimate goal of our criminal justice system, but we cannot expect this noble goal to be achieved without adequately funding all the public partners responsible for the fair administration of justice, including law enforcement agencies, district attorney’s offices, the public defender department, independent crime laboratories, and the judiciary. Failure to fund the criminal justice system will undermine the intended effect of laws enacted to ensure public safety. While the record in the instant case did not demonstrate a constitutional violation, it is a reminder that a system that effectively ensures public safety and protects constitutional rights comes at substantial fiscal cost. Accordingly, I respectfully concur.

BARBARA J. VIGIL, Justice



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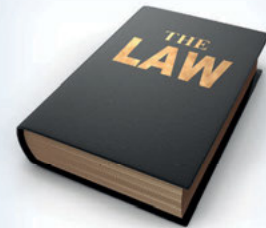
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The Law Office of Robert F. Turner is receiving applications for an associate attorney position to practice in the areas of Criminal matters, some civil and domestic matters. Strong academic credential, and research and writing skills are required. We offer a great work environment and opportunities for future growth. Office is located in Deming, NM. Telephone Number 575-544-4306. Please send your cover letter and resume to smvturnerlaw@qwestoffice.net

Attorney

Krehbiel & Barnett, P.C., a medical malpractice defense firm, seeks an attorney with 0-6 years' experience. We are a small law firm looking to expand. We seek an attorney who is willing to grow with the practice. Candidate should have strong writing and analytical skills. Please send letter of interest and resume to Leah Chapa at lchapa@lady-justice.us.

Associate Attorney:

Bleus & Associates, LLC is presently seeking to fill (2) two Associate Attorney Positions for its new Albuquerque Office near Jefferson Office Park. (1) Senior Associate with 10+ years of experience and (1) Junior Associate with 0-9 years experience sought. Candidates should possess Civil Litigation/Personal Injury experience and a great desire to zealously advocate for Plaintiffs. Trial experience preferred. Salary D.O.E. Please submit Resume's to Hiring Partner, Bleusandassociates@gmail.com. All inquiries shall remain confidential.

Staff Attorney

Enlace Comunitario is a social justice organization located in Albuquerque. Enlace is a non-profit community based organization that provides direct services to Spanish-speaking victims of domestic violence and advocates for the rights of Latino immigrants and their children. Enlace Comunitario is seeking a full-time family law attorney. Under direction from the Legal Director, the Staff Attorney will provide legal representation in Orders of Protection Hearings, Dissolution of Marriage, Petitions to Establish Paternity, prepare legal research, give legal advice, provide legal and policy analysis of issues, develop Continuing Legal Education training and other duties as assigned. These duties may be performed for clients in Bernalillo, Sandoval or Valencia County District Courts. For a more detailed job description go to www.enlacenm.org/about/careers. If you are interested in applying, please email a cover letter, a resume and recent writing sample to jalvarado@enlacenm.org. If you have any questions, feel free to call at 505-246-8972.

Senior Trial Attorney/Deputy Trial Colfax County

The Eighth Judicial District Attorney's Office is accepting applications for a Senior Trial Attorney or Deputy District Attorney in the Raton Office. The position will be responsible for a felony caseload and must have at least two (2) to four (4) years as a practicing attorney in criminal law. This is a mid-level to an advanced level position. Salary will be based upon experience and the District Attorney Personnel and Compensation Plan. Please send interest letter/resume to Suzanne Valerio, District Office Manager, 105 Albright Street, Suite L, Taos, New Mexico 87571 or svalerio@da.state.nm.us. Deadline for the submission of resumes: Open until position is filled.

Associate Attorney

The Associate Attorney will review pleadings, assist with task and workflow management, work with pleadings and accompanying paperwork and provide professional legal assistance, advice and counsel with respect to collections and creditor's rights. Requires research and analysis of legal questions and court appearances often on a daily basis. The position has a high level of responsibility within established guidelines, but is encouraged to exercise initiative. Management experience is preferred, a law degree is required and a current license to practice law in the State of New Mexico is required. Contact Tonia Martinez, 303.539.3184, tonia.martinez@mjfirm.com.

Litigation Attorney

Litigation Attorney with at least five years experience, wanted for fast paced, well established, litigation defense firm. Great opportunity to grow and share your talent. Inquiries kept confidential. Please send us your resume, a writing sample and references to Civerolo, Gralow & Hill, P.A., via e-mail to kayserk@civerolo.com or fax to 505-764-6099.

Attorney

The Law Office of J. Douglas Compton is seeking an attorney with a minimum of 0-3 years' experience in personal injury litigation or 3 years' litigation experience, to work in a busy insurance defense practice. Job requirements include: A license to practice law in good standing in New Mexico and current on all CLE requirements; Experience with auto, truck accidents, and uninsured, underinsured motorists' cases; Demonstrated trial ability in the State of New Mexico; Must be experienced in Bernalillo County Courts preferred; Must be able to travel to attend trials, arbitration, mediations and hearings; Attorney will defend lawsuits against GEICO insureds and represent GEICO in UM/UIM suits in all courts in New Mexico; Must be computer proficient and be able to use a keyboard. Position is commensurate with experience. Please submit your application to Careers-geico.com

Staff Attorney

Albuquerque-based Senior Citizens' Law Office, Inc. seeks a staff attorney. A full description of the position and application process is posted on SCLO's home page under "News" at www.sclonm.org

Wanted for Immediate Hire a Bilingual (Spanish/English) Associate!

Our busy Albuquerque workers' compensation and personal injury firm seeks a junior associate to assist senior attorneys and paralegals with: Assisting with discovery requests, depositions, hearings and mediations; Researching and drafting motions, pleadings, memoranda of law and other legal documents; Covering hearings, depositions and mediations; Communicating and meeting with clients; Related duties. Excellent opportunity to grow for the right person! Requirements: You must be a member of the New Mexico Bar; You must be Spanish/English bilingual; You must be enthusiastic; You must be a reliable team player that is willing to learn; You must be client-driven and highly motivated. Benefits offered include medical, dental, vision and life insurance, as well as 401k, paid firm holidays and paid time off. Compensation commensurate with experience. Please send resume to jobs@mslfirm.com

Position Announcement

Paralegal

2016-07

THE FEDERAL PUBLIC DEFENDER for the District of New Mexico is accepting applications for the position of Paralegal. This position will be located in the Albuquerque office. The Federal Defender organization operates under authority of the Criminal Justice Act, 18 U.S.C. § 3006A, to provide defense services in federal criminal cases and related matters by appointment from the court. Requirements: To qualify candidate must be a high school graduate or the equivalent and have at least three (3) years of experience. Some higher education may be substituted for experience. Must be a detail-oriented person capable of handling multiple projects at once with high proficiency in Microsoft Office (Word, Excel, Power Point) and litigation support software programs such as Case Map. Applicants must be able to perform legal research using computer research programs and internet based resources. Spanish fluency preferred. This position is classified as a sensitive position. Appointment and retention is subject to a satisfactory background check to include an FBI fingerprint and name check. Selection Criteria: The successful applicant will have a working knowledge of law office operations, legal practices, methods and techniques, an understanding of paralegal duties in a legal environment, and an understanding of criminal law, criminal procedure and evidence. Experience in federal criminal law is preferred. Duties: The Paralegal provides support services to staff attorneys. General duties include performing legal research, drafting legal pleadings, assisting with case preparation and file management, assisting attorneys at hearings and trials, assisting with client contact, interviewing witnesses, maintaining research banks, and intensive technological litigation support. Additional duties may include analyzing legal decisions, opinions, rulings and compiling and summarizing substantive information on statutes, treaties and specific legal subjects. Salary and Benefits: The starting salary is commensurate with the experience and qualifications of the applicant. The beginning pay scale ranges from JSP 11, Step 1, to JSP 14, Step 1, currently yielding \$59,256 to \$99,803 per annum. The position is in the excepted service and does not carry the tenure rights of the competitive Civil Service. The position does include regular Government employment benefits including health and life insurance, retirement, and the Thrift Savings Plan. Salary is payable only by electronic funds transfer (direct deposit). How to Apply: Persons may apply by sending one PDF document containing a letter of interest and resume with at least 3 references to: Melissa Dearing, Administrative Officer, FDNM-HR@fd.org. Reference 2016-07 in the subject. No phone calls please. Applications must be received by October 28th, 2016. Only those selected for an interview will be contacted. The Federal Public Defender is an equal-opportunity employer.

Position Announcement

Paralegal

2016-08

THE FEDERAL PUBLIC DEFENDER for the District of New Mexico is accepting applications for the position of Paralegal. This position will be located in the Las Cruces office. The Federal Defender organization operates under authority of the Criminal Justice Act, 18 U.S.C. § 3006A, to provide defense services in federal criminal cases and related matters by appointment from the court. Requirements: To qualify candidate must be a high school graduate or the equivalent and have at least three (3) years of experience. Some higher education may be substituted for experience. Must be a detail-oriented person capable of handling multiple projects at once with high proficiency in Microsoft Office (Word, Excel, Power Point) and litigation support software programs such as Case Map. Applicants must be able to perform legal research using computer research programs and internet based resources. Spanish fluency required. This position is classified as a sensitive position. Appointment and retention is subject to a satisfactory background check to include an FBI fingerprint and name check. Selection Criteria: The successful applicant will have a working knowledge of law office operations, legal practices, methods and techniques, an understanding of paralegal duties in a legal environment, and an understanding of criminal law, criminal procedure and evidence. Experience in federal criminal law is preferred. Duties: The Paralegal provides support services to staff attorneys. General duties include performing legal research, drafting legal pleadings, assisting with case preparation and file management, assisting attorneys at hearings and trials, assisting with client contact, interviewing witnesses, maintaining research banks, and intensive technological litigation support. Additional duties may include analyzing legal decisions, opinions, rulings and compiling and summarizing substantive information on statutes, treaties and specific legal subjects. Salary and Benefits: The starting salary is commensurate with the experience and qualifications of the applicant. The beginning pay scale ranges from JSP 11, Step 1, to JSP 14, Step 1, currently yielding \$59,246 to \$99,785 per annum. The position is in the excepted service and does not carry the tenure rights of the competitive Civil Service. The position does include regular Government employment benefits including health and life insurance, retirement, and the Thrift Savings Plan. Salary is payable only by electronic funds transfer (direct deposit). How to Apply: Persons may apply by sending one PDF document containing a letter of interest and resume with at least 3 references to: Melissa Dearing, Administrative Officer, FDNM-HR@fd.org. Reference 2016-08 in the subject. No phone calls please. Applications must be received by October 28th, 2016. Only those selected for an interview will be contacted. The Federal Public Defender is an equal-opportunity employer.

Excellent Pay Plus Bonuses for Experienced Litigation Paralegal

Plaintiff personal injury/medical malpractice firm seeking full-time experienced litigation paralegal. Medical insurance paid for by our firm. To encourage quality candidates, we offer flexible hours and can work out of our Albuquerque office or our Santa Fe office. Preference will be given to candidates with prior Plaintiff's personal injury/medical malpractice experience. We are looking for someone who can work independently without being micromanaged. Please send a cover letter with your resume to email address: paralegal@sandovalfirm.com.

Paralegal II

Bernalillo County is conducting a search of candidates for a full-time, regular Paralegal II. Under general direction, perform highly complex paralegal work which involves legal research studies, prepares comprehensive interpretive reports with recommended solutions. Participates in research, investigations and preparation for litigation and/or trial proceedings in support of the County Legal Department. Qualifications for this position require Associate degree in Paralegal Studies or related field, plus four (4) years of work experience as a Paralegal. OR a High School diploma or GED and a combination of post-secondary education related to the legal field and six (6) years of work experience as a Paralegal. A Paralegal certificate from an accredited institution or accreditation national associate may substitute for one (1) year of work experience. National certification as a legal assistant or paralegal from an accredited national association preferred. Completion of professional development courses totaling sixteen (16) hours related to document retention or legal processes. Bernalillo County invites you to consider working for our County as your next career endeavor. Bernalillo County is an equal opportunity employer, offering a great work environment, challenging career opportunities, professional training and competitive compensation. For more information regarding the job description, salary, closing dates, and to apply visit the Bernalillo County web site at www.bernco.gov and refer to the section on job postings. ALL APPLICANTS MUST COMPLETE THE COUNTY EMPLOYMENT APPLICATION.

Legal Assistant

Stiff, Keith & Garcia, a small, downtown law firm seeks experienced legal assistant. Must have college degree and 2 years of experience in insurance defense as lead secretary or 5 years of experience in insurance defense or personal injury. Requires independent work and client contact. People skills are a must and to be able to effectively work with our team. Excellent salary and benefits. Send resume and references to resumesub400@gmail.com.

Litigation Secretary (Albuquerque, NM)

Compensation: \$16.00 per hour; Employment Type: part-time. Lewis, Brisbois, Bisgaard & Smith is seeking a strong litigation secretary to join our Albuquerque office. Eligible candidates will have the following qualifications: State, Federal & Appellate court experience, including knowledge of CM/ECF e-filing procedures. 10+ years litigation experience. Heavy law and motion practice, with knowledge of trial preparation helpful. Proficiency in Word 2007 or above. Skills will include being organized, reliable, good attention to detail, and ability to work under short deadlines. Net Docs experience a plus, but not a requirement. Initiative and willingness to be a team player are important assets for this extremely busy and high profile desk. Please send resume to angela.roberts@lewisbrisbois.com.

Litigation Legal Assistant

Butt Thornton & Baehr PC has an opening for an experienced litigation legal assistant (5+ years). Must be well organized, and have the ability to work independently. Excellent typing/word processing skills required. Generous benefit package. Salary DOE. Please send letter of interest and resume to, gejohnson@btblaw.com

Paralegal — General Liability Defense Law

Lewis, Brisbois Bisgaard & Smith LLP – Albuquerque, NM; Compensation: \$24.00 per hour. Lewis Brisbois Bisgaard & Smith LLP, seeks an experienced paralegal to work in our Albuquerque office specializing in General Liability, Insurance Defense practice. Successful candidate will have extensive experience in discovery, trial preparation, and basic research. Will be responsible for securing, analyzing, and summarizing medical, employment, tax, business, and other records; working with clients and experts; and assisting with depositions, exhibits, and trial preparation. Proficiency in Microsoft Office programs; organized, reliable, and attentive to details; and an initiative to be a team player are important assets for this busy office. Will be required to meet a monthly billable hour amount of a minimum of 134. This is a full-time position. We offer a competitive salary and benefit package, and a positive work environment in this collegial local office of one of the country's largest and fastest growing firms. Please send resume to angela.roberts@lewisbrisbois.com

Paralegal

Litigation Paralegal with minimum of 3- 5 years' experience, including current working knowledge of State and Federal District Court rules, online research, trial preparation, document control management, and familiar with use of electronic databases and related legal-use software technology. Seeking skilled, organized, and detail-oriented professional for established commercial civil litigation firm. Email resumes to e_info@abrfirm.com or Fax to 505-764-8374.

Legal Assistant or Secretary

Jones & Smith Law Firm, LLC seeks an experienced legal assistant/secretary to work part-time to perform secretarial, administrative, and legal work. The position requires excellent proof-reading, communication, organizational, and computer skills. Please send a letter of interest and resume by fax to (505) 244-0020 or by e-mail to jennifer@jones-smithlaw.com.

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620 ROMA N.W., located within two blocks of the three downtown courts. Rent includes utilities (except phones), fax, internet, janitorial service, copy machine, etc. All of this is included in the rent of \$550 per month. Up to three offices are available to choose from and you'll also have access to five conference rooms, a large waiting area, access to full library, receptionist to greet clients and take calls. Call 243-3751 for appointment to inspect.

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Miscellaneous

Will for Joe A. Branch Jr

Searching Will and Trust for Joe A. Branch Jr. deceased 8/13/16 in Espanola. Please call Joseph Branch (505) 440-3651.

The graphic features a central circular arrangement of four overlapping circles, each containing a photograph of a person. The circles are connected by a continuous path of yellow and orange arrows forming a clockwise cycle. The words 'confidence', 'integrity', 'professionalism', and 'mentoring' are written in a light grey font along the outer edges of the circular path. The central circle is a dark red color and contains the text 'Mentoring Has Its Rewards' in white.

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