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Civil Marriage/Civil Right?: What Family Law Attorneys Need to Know
Wednesday, November 17, 8:30 a.m. - 5 p.m. • State Bar Center • 6.0 General and 2.1 Professionalism CLE Credits
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Civil marriage is a legal status that automatically confers over a thousand federal rights and benefits and hundreds of additional state rights and benefits. This seminar will address the constitutional issues surrounding marriage, whether equal protection requires equal treatment for same-sex couples and whether the establishment of civil unions survives a separate but equal challenge. The ruling by the Supreme Judicial Court of Massachusetts in November 2003 will be discussed, as well as pending litigation in other states.
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☐ $169 Family Law Section Member
☐ $169 Lesbian and Gay Lawyers Association Member
☐ $169 Gov’t and Paralegal

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Thursday, November 18, 1 - 4:30 p.m. • Reception: 4:30 p.m. • State Bar Center • 3.6 General CLE Credits
The fundamental foundations of litigation and appeals are changing. This workshop is designed for the bench and bar to discuss how to approach an evolving legal environment. Discussion will include practical tips for laying a foundation for appeal at trial and for effective appellate practice. Focus will also be on the vanishing trial and the increasing use of mediation in both trial and appellate courts. This seminar is a unique opportunity for members of the trial and appellate bench to dialogue with practitioners.
☐ $89 Standard and Non-Attorney
☐ $79 Family Law Section Members, Government and Paralegal

Solo and Small Firm Practitioner Annual Meeting, Seminar and Reception
Seminar: Professional Liability and The Solo and Small Firm Practitioner
Thursday, December 2 • Annual Meeting: 1 p.m. • Seminar: 2 - 3:40 p.m. • Reception: 4 p.m.
State Bar Center • 1.0 General, 1.0 Ethics CLE Credits
Presenters: Maureen Sanders, John Bannerman, Jack Brant, Briggs Cheney, and Jerry Dixon
This seminar is designed for those who are looking for some insights into a potpourri of topics related to professional liability. Following a wildly popular session at this year’s Bridge the Gap, several members of the Lawyers Professional Liability Committee are back for an encore presentation. The current agenda includes The Top Ten Reasons Lawyers Get Sued; Everything You Could Ever Want to Know About Retainer Agreements; Not Quite Fifty Ways to Leave a Client; The Ins and Outs of Professional Liability Insurance; and a concluding medley on Shopping for Professional Liability Insurance, When Disciplinary Comes Calling, and The Troubled Lawyer. The seminar will immediately be followed by a reception at the State Bar Center.
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16 Solo & Small Firm Practitioners Section,
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16 Technology Utilization Committee,
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17 Bankruptcy Law Section Board of Directors,
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17 Law Office Management Committee,
noon, State Bar Center

18 Children’s Law Section Board of Directors,
noon, Juvenile Justice Center

18 Elder Law Section Board of Directors,
3 p.m., State Bar Center

19 Family Law Section Board of Directors,
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State Bar Center

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State Bar Workshops

December

1 Consumer Debt/Bankruptcy Workshop*,
6:00 p.m., State Bar Center

10 Lawyer Referral for the Elderly Workshop
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Munson Senior Center, Las Cruces

January

26 Consumer Debt/Bankruptcy Workshop*,
6:00 p.m., State Bar Center

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*Consumer Debt/Bankruptcy workshops include a
one-on-one consultation with an attorney. For more
information, call Marilyn Kelley at (505) 797-6048 or
1-800-876-6227; or visit the SBNM Web site, www.
nmbar.org.

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**Professionalism Tip**

Judge’s Preamble:

As a judge, I will strive to ensure that judicial proceedings are fair, efficient and conducive to the ascertainment of the truth. In order to carry out that responsibility, I will comply with the letter and spirit of the Code of Judicial Conduct, and I will ensure that judicial proceedings are conducted with fitting dignity and decorum.
**NOTICES**

**COURT NEWS**

**NM Supreme Court Law Library**

**Notice of Closing**

The Supreme Court Law Library has extended its hours to include 8 a.m. to 6:30 p.m. Monday to Thursday, 8 a.m. to 5:30 p.m. Friday, and 8 a.m. to 3 p.m. Saturday. However, the library will be closed or have restricted hours on the following days:

- Nov. 25 to 27: Closed
- Dec. 23: 8 a.m. to 1 p.m.
- Dec. 24 to 25: Closed
- Dec. 27 to 29: 8 a.m. to 5 p.m.
- Dec. 30: 8 a.m. to 1 p.m.
- Dec. 31 to Jan. 1: Closed

**Proposed Amendment of the Code of Professional Conduct Committee Comment to Rule 16-303 NMRA**

The Supreme Court is considering proposed amendments to the Code of Professional Conduct Committee Comment to Rule 16-303 NMRA. Attorneys who would like to comment on the proposed amendments should send written comments by Nov. 19 to: Kathleen J. Gibson, Chief Clerk, New Mexico Supreme Court, PO Box 848, Santa Fe, NM 87504-0848.

For reference: The proposed revisions were printed in the Oct. 28 (Vol. 43, No. 43) Bar Bulletin.

**Proposed Revision of Rule 16-701 NMRA of the Rules of Professional Conduct**

The Supreme Court is considering proposed amendments to Rule 16-701 NMRA. Attorneys who would like to comment on the proposed amendments should send written comments by Nov. 26 to: Kathleen J. Gibson, Chief Clerk, New Mexico Supreme Court, PO Box 848, Santa Fe, NM 87504-0848.

For reference: The proposed revisions were printed in the Nov. 4 (Vol. 43, No. 44) Bar Bulletin.

**Judicial Performance Evaluation Commission**

**District Judge Questionnaires**

The Judicial Performance Evaluation Commission (JPEC) was created by the New Mexico Supreme Court to evaluate the performance of appellate, district, and metropolitan court judges standing for retention in New Mexico. The commission's work in 2004 and 2005 focuses on interim evaluations of district court judges. Results of the interim will not be shared with the public since the primary objective of the interim evaluation is self-improvement. A final evaluation is planned for 2008. These results will be released to the public at least 45 days before the November 2008 general election.

The interim evaluations will be done in two phases: Phase I includes the judges in the Third, Fifth, Sixth, Ninth, Tenth, Eleventh and Twelfth Judicial Districts. Phase II includes the judges in the First, Second, Fourth, Seventh, Eighth and Thirteenth Judicial Districts. Attorneys who appeared before the PHASE I Judges between July 1, 2003 and June 30, 2004 will receive a questionnaire to complete starting the week of Nov. 1. The JPEC would like to see the response rates increase from attorneys with direct experience with the judges being evaluated.

Attorneys who appeared before the PHASE II Judges will not get a survey until April 2005.

The questionnaires are returned to Research & Polling, Inc., consultant to the JPEC. Research & Polling aggregates the results for the JPEC by population group (lawyers, jurors, court staff, and resource staff). The JPEC does not see individual results. Comments are retyped and submitted to the JPEC for review and not provided to the judges. Research & Polling destroys individual responses so the JPEC does not know who completed the survey. If you have any questions, contact Felix Briones, Jr., chair of the Judicial Performance Evaluation Commission, (505) 325-0258.

**Upcoming Meeting**

The Judicial Performance Evaluation Commission was created by the New Mexico Supreme Court for the purpose of providing voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers. The commission's next meeting will be from 8 a.m. to 3 p.m., Nov. 19 at the State Bar Center in Albuquerque. For more information on the commission or with regard to the next scheduled meeting, call (505) 827-4960.

**STATE BAR NEWS**

**2004 Section Election Results**

Over the past several months, information has been published that described the annual election process for State Bar sections, announced the appointment of nominating committees for specific sections, and subsequently identified nominees for positions subject to election.

The 2004 section elections concluded on Oct. 31. Since none of the elections produced more than one candidate for any single position, there are no contested section elections. The nominees are deemed elected by acclamation, and their terms will begin Jan. 1, 2005.

For reference, the roster of each incoming board of directors follows. Where a vacancy exists, the section board may fill the position by appointment until next year's election. Attorneys planning to become section members in 2005 and interested in filling board vacancies should contact the chair.

**APPELLATE PRACTICE SECTION**

2005 Board of Directors

- Steve Tucker, Chair 2005-2007
- Thomas Bird 2003-2005
- Lee Huffmann 2003-2005
- Ed Ricco 2003-2005
- Bryan Biedscheid 2004-2006
- Kerry Kieman 2004-2006
- Bruce Rogoff 2004-2006
- Andrew Montgomery 2005-2007
- Susan Herrmann 2005-2007
- Frances Bassett, Past Chair 2005
- YLD Liaison (Appointment Pending) 2005

**BANKRUPTCY LAW SECTION**

2005 Board of Directors

- Alice Nystel Page, Chair 2005-2007
- Robert H. Jacobvitz 2003-2005
- Manuel Lucero 2003-2005
- Alfred Sanchez 2003-2005
- Daniel Behles 2004-2006
- Nancy Cusack 2004-2006
- James Jacobsen 2005-2006
- Gerald Velerde 2005-2007
- Chris W. Pierce 2005-2007
- Ronald Holmes, Past Chair 2005
- YLD Liaison (Appointment Pending) 2005

**BUSINESS LAW SECTION**

2005 Board of Directors

- Bradley D. Tepper, Chair 2003-2005
- Terry D. Farmer 2003-2005
- John E. Farrow 2003-2005
Colin Adams 2004-2006  
Leonard Katz 2004-2006  
Pat Ortiz 2004-2006  
Nicole Strauser 2005-2007  
Jean-Nikole Wells 2005-2007  
Cheryl Sommer, Past Chair 2005  
(Appointment Pending) 2005

CHILDREN’S LAW SECTION
2005 Board of Directors
Anthony J. Ferrera, Chair 2004-2006  
Bert Atkins 2003-2005  
Lorette M. Enochs 2003-2005  
Hon. Louis P. McDonald 2003-2005  
Susan Alkema 2004-2006  
Rebecca Liggett 2004-2006  
Sara Seymour Crecca 2005-2007  
Kathy Wright 2005-2007  
Linda Yen, Past Chair 2005  
YLD Liaison (Appointment Pending) 2005

COMMERCIAL LITIGATION SECTION
2005 Board of Directors
Stephen J. Lauer, Chair 2005-2007  
Amy Diaz 2003-2005  
Jeanette Martinez 2003-2005  
Robert M. St. John 2003-2005  
S. Thomas Overstreet 2003-2005  
Henry Alaniz 2004-2006  
Lawrence Berkowitz 2004-2006  
David Streubel 2004-2006  
Gary Van Luchene 2004-2006*  
Stacey Scherer 2005-2007  
Patricia Simpson 2005-2007  
Thomas Gulley, Past Chair 2005  
YLD Liaison (Appointment Pending) 2005

CRIMINAL LAW SECTION
2005 Board of Directors
Michael Kiernan, Chair 2003-2005  
Kari Morrissey 2003-2005  
Peter Ossorio 2003-2005  
Mark Donatelli 2004-2006  
Rachel Higgins 2004-2006  
Stephen (Matt) Torres 2004-2006  
Penni Adrian 2005-2007  
Ousama M. Rasheed 2005-2007  
David Crum, Past Chair 2005  
YLD Liaison (Appointment Pending) 2005

ELDER LAW SECTION
2005 Board of Directors
Kevin D. Hammar, Chair 2003-2005  
Mary A. Green 2003-2005  
Judith Zabel 2003-2005  
Rae Ann Shanley 2004-2006  
Ann Sims 2004-2006  
Mary H. Smith 2004-2006  
Debbie Armstrong 2005-2007  
Amanda Hartmann 2005-2007  
Brian E. Jennings 2005-2007  
Elaine Wright, Past Chair 2005  
YLD Liaison (Appointment Pending) 2005

EMPLOYMENT & LABOR LAW SECTION
2005 Board of Directors
Cindy Lovato Farmer, Chair (Employer) 2005-2006  
Chris Holland (Employer) 2004-2005  
Carlos Quinones (Employer) 2004-2005  
J. Edward Hollington (Employee) 2004-2005  
Amy Archibeque (Employee) 2004-2005  
Gail Gottlieb (Employee) 2005-2006  
Danny Jarrett (Employer) 2005-2006  
Lee Peifer (Employee) 2005-2006  
Eric Miller, Past Chair YLD Liaison (Appointment Pending) 2005

FAMILY LAW SECTION
2005 Board of Directors
Linda L. Ellison, Chair 2003-2005  
Maria Montoya Chavez 2003-2005  
Elizabeth Price 2003-2005  
David Reeb 2003-2005  
Anne Albrink 2004-2006  
Mila Allen Maturan 2004-2006  
Catherine Oliver 2004-2006  
Judy Pitsman 2004-2006  
Catherine Aguilar 2005-2007  
Felissa Garcia Kelly 2005-2007  
David Stafford 2005-2007  
John Watson, Past Chair Liaison (Appointment Pending) 2005

HEALTH LAW SECTION
2005 Board of Directors
John Bannerman, Chair 2003-2005  
W. Ann Maggiore 2003-2005  
Deborah L. Dornman-Rodriguez 2003-2005  
Caralyn Banks 2004-2006  
Charles Gurd 2004-2006  
Susan Sullivan 2004-2006  
Doug Compton 2005-2007  
Kay Jenkins 2005-2007  
Gabe Parra 2005-2007  
Jennifer Stone, Past Chair YLD Liaison (Appointment Pending) 2005  
Robert L. Schwartz (Ex Officio)

PUBLIC LAW SECTION
2005 Board of Directors
Albert Lama 2003-2005  
Deborah Moll 2003-2005

*

* Appointed to vacancy per bylaws Article 8.2. Appointee will continue to serve on the board until next election.
Robert M. White  2003-2005
Douglas Meiklejohn  2004-2006
Stephen Ross  2004-2006
Helen Nelson  2004-2006
Bill Brancard  2005-2007
Frank Murray, Past Chair  2005
YLD Liaison  (Appointment Pending)  2005
Law Student  (To be determined)  2005

REAL PROPERTY, PROBATE, & TRUST SECTION
2005 Board of Directors
James Widland, Chair  2004-2006
Brian Copple  2003-2005
Stephen J. Rhoades  2003-2005
Joseph L. Werntz  2003-2005
John Booth  2004-2006
Edward Roibal  2004-2006
Richard Gregory  2005-2007
Charles W. Siebert, III  2005-2007
Max Best, Past Chair  2005
YLD Liaison  (Appointment Pending)  2005

SOLO & SMALL FIRM PRACTITIONERS SECTION
2005 Board of Directors
Brian D. Escobedo, Chair  2003-2005
James Widland  2003-2005
William C. Herring  2003-2005
Brian E. Jennings  2004-2006
John Samore  2004-2006
Ed Reinhardt  2004-2006
Don Becker  2005-2007
Mark A. Keller  2005-2007
Beate Boudro, Past Chair  2005
YLD Liaison  (Appointment Pending)  2005

TAXATION SECTION
2005 Board of Directors
Marjorie Rogers, Chair  2003-2005
Frank Katz  2003-2005
R. Tracy Sprouts  2003-2005
Curtis W. Schwartz  2004-2006
John Hickey  2004-2006
Edward Hymson  2004-2006
Vacancy  2005-2007
Steve Paciti  2005-2007
Dean Cross  2005-2007
Past Chair (serving as chair)  2005
YLD Liaison  (Appointment Pending)  2005

TRIAL PRACTICE SECTION
2005 Board of Directors
Martin Esquivel, Chair  2005-2007
Jack Mastenbrook  2003-2005
Vacancy  2003-2005
Vacancy  2003-2005
Robert Cole  2004-2006
Eric Dixon  2004-2006
Kathrin Kinzer-Ellington  2004-2006
Eric Miller  2005-2007
Martin Diamond  2005-2007
Richard Shane, Past Chair  2005
YLD Liaison  (Appointment Pending)  2005

Barristers Toastmasters Club
Open House
The Barristers Toastmasters Club will hold a holiday open house at 5:45 p.m., Dec. 13 at the State Bar Center. The event is being sponsored by Romo & Associates and members are encouraged to attend. Contact Joe Conte, (505) 797-6099 or jconte@nmbar.org, to R.S.V.P. or for more information.

Board of Bar Commissioners Candidate Biographies and Interviews
The 2004 election of commissioners for the State Bar of New Mexico Board of Bar Commissioners will be held on Nov. 30. The 1st Bar Commissioner District will have a contested election. Positions in the other four districts were uncontested so the candidates will win by acclamation.

Where provided, candidate responses and brief biographies were printed in the Nov. 4 (Vol. 43, No. 44) issue of the Bar Bulletin. Responses from candidates in the contested 1st Bar Commissioner District are repeated below. Ballots for the contested election are being mailed to members of the 1st Bar Commissioner District and must be returned by noon, Nov. 30.

Biographies
1st Bar Commissioner District

Beatrice Brickhouse
grew up in Peoria, Ill., and attended Western Illinois University. After receiving a bachelor’s degree, she served three years in the Army as an officer. After completing military service, she graduated from the University of Arizona College of Law after completing the program in two and one half years. Brickhouse moved to Albuquerque and was admitted to the State Bar in May 1993. Her first job was as a prosecutor in Farmington. She also practiced criminal defense in southeastern New Mexico. Brickhouse relocated to Albuquerque in 1998 and currently works for the City of Albuquerque Legal Department, Litigation Division, as an assistant city attorney. She has worked with her neighborhood association and served on the board of directors for La Puerta de los Niños.

Melanie Patten is a member of Laguna Pueblo. She was born in Santa Fe and grew up in Albuquerque. She graduated from the University of New Mexico School of Law in 1996 and was admitted to the State Bar of New Mexico that same year. Patten is an associate at Law & Resource Planning Associates, PC. Her practice is concentrated in the area of water law. Previously, she was an assistant attorney general in the Civil Division of the New Mexico Attorney General’s Office and a staff attorney for the Solicitor’s Office, Department of Interior in Albuquerque.

Charles Wyman was born in Carlsbad and shortly thereafter graduated from Rice University and Texas Tech School of Law. He began his practice in 1977 as an assistant public defender in Roswell. Wyman was also an assistant district attorney in Alamogordo, and was eventually district public defender for Eddy, Lea and Chaves Counties before re-entering private practice in Albuquerque in 1984 with Marchiondo & Berry. Subsequently, he was associated with the Roehl firm and later became deputy chief disciplinary counsel from 1988 to 1991. Since 1992, Wyman’s private practice has been in the field of plaintiffs’ personal injury, and he has worked hard to foster collegiality, cooperation and mutual respect between the plaintiffs’ bar and the defense bar.

He has two adult children (neither of whom is an oxymoron), is active with his church, enjoys life and has no axe to grind. He firmly believes, however, that an ounce of prevention is worth a pound of cure, on that we can all agree.
Question 1
State your view of what the mission of the bar association should be and how well it is filling that objective.

1st Bar Commissioner District
Beatrice Brickhouse: The Bar should strive to serve its members and the public, as well as promote a sense of community within its ranks. I believe the Bar is doing well in providing the members with opportunities for interaction. Every CLE, bar convention, and bench and bar conference provides the members with an opportunity to further build our community and professionalism. By promoting service projects, such as the Lawyers Care Referral Program and the LawLine 4 Call-In, the Bar promotes a positive image of its members and its commitment to the public.

Melanie Patten: My view of the State Bar's mission is to be inclusive and provide services to its members and the public. The State Bar has improved in the last year in providing services to its membership, such as providing more Continuing Legal Education (CLE) programs. I believe the State Bar can still improve in assisting the members who volunteer on boards of sections and divisions of the State Bar. I have noticed by participating on State Bar committees and in the Young Lawyers Division (YLD), the State Bar is reaching out more to young lawyers / new admittees and minorities. I have seen more participation by young lawyers and minorities as presenters of CLE programs and as participants in the Leadership Institute. This is a good start and I think the State Bar can do more.

Charles Wyman: I agree with the mission statement and goals published on p. 145 of the current Bench and Bar Directory. I believe the State Bar as presently organized is making good progress in meeting the goals and I have some suggestions for further improvement, as outlined hereinafter. (Please refer to the November 20, 2003, issue of the Bar Bulletin for the Bar's forecasted budget for 2004 by functional categories.)

Question 2
Give your perspective of how the bar is viewed by its membership. Comment on whether the State Bar should be a mandatory or voluntary organization and whether State Bar staff should be allowed to unionize.

1st Bar Commissioner District
Beatrice Brickhouse: Most members seem to take the Bar for granted and think of it as an entity that has very little to with their daily practice of law. There are those members, however, who choose to be active members and use it as a means of providing community service. Whether the Bar is mandatory or voluntary, the ultimate number of attorneys who are actively involved in the programs will probably remain the same. I prefer a mandatory bar because there are services that a mandatory bar provides that a voluntary bar will not. Some of these programs include printing pamphlets for legal self-help for the poor, substance abuse assistance for our members, referral programs for the elderly and the poor, programs that help clients communicate with their attorney (the CAAP program) and others. The Bar better serves our community and our members with these programs. Life would go on without these programs but the profession would suffer. I am open to assessing the viability of and desire on the part of the members to maintain a mandatory Bar. If a significant portion of the membership prefers that the Bar is voluntary, then the Board must accept that and act accordingly, but ultimately it is the Supreme Court's decision. Any group of employees who wish to form a union should be allowed to do so.

(The previous sentence is a correction to the Nov. 4 issue where it was omitted – Ed.)

Melanie Patten: I believe the State Bar is viewed by its membership as an organization to serve the needs of its membership. From my interaction with members of sections, the State Bar has improved in its ability to provide assistance to members who serve on committees. The State Bar should be a mandatory organization. The State Bar, as regulated by the New Mexico Supreme Court, ensures that interests of the legal profession are promoted and encourages public service programs. The State Bar staff should not be allowed to unionize because the New Mexico Supreme Court governs the State Bar. I think the State Bar staff should be treated fairly as in any other office.

Charles Wyman: I believe our membership by and large has a positive view of our State Bar and its organized activities. For those actively involved, the members are aware of the hard work and dedication of our professionals and many volunteers. As a rule, bar commissioners are receptive to constructive criticism, fresh approaches to problems and communication of their constituents' concerns to other board members. I believe the advantages of a mandatory bar far outweigh the disadvantages of a voluntary bar. I have no informed opinion presently on the issue of unionization, but if elected I will study all sides carefully and solicit my constituents' opinions before voting on any matters related to it.

Question 3
Give your perspective of how the bar is viewed by the public and what you would do to either maintain that view or improve it.

1st Bar Commissioner District
Beatrice Brickhouse: Unfortunately, most of the situations that necessitate a person seeking legal services are not happy events. Whether a client is going through a divorce, has been injured, or has lost their job, they are not likely to have a positive and objective view of the legal profession. Many times the public develops their perceptions of lawyers from these unpleasant events. I believe it is important that we, as attorneys, see and present ourselves not only as “legal eagles,” but also as attorney-counselors whose goal is not just earning a fee, but also guiding and educating our clients and the public. I am committed to following our Creed of Professionalism and I will take every opportunity to encourage other members to embrace those principles by which we should practice law.

Melanie Patten: Most people I come across have an admiration for those who have passed the New Mexico Bar Exam and have been admitted to the State Bar. Yet, when it comes to knowing about the State Bar, not many people are aware of the function of the State Bar and the programs it offers the public and its members. I will make the public aware of the State Bar through more exposure of the State Bar to the community. This can be done through getting the word out to the community about the many public service programs the State Bar sponsors. A good example is the Call-In program, which is in the public eye via television. The Call-In program provides a valuable service to the community by making legal services available to the public and it shows that attorneys give back to the community.

Charles Wyman: I believe lawyer bashing is broadly popular because we are an elite group with tremendous power to affect peoples’ lives but our purposes and motivations appear questionable. I believe this perception can be transformed over time if each lawyer in New Mexico will focus on what he or she can do pro bono in his or her community. Our aspirational goal of 50 hours per year should be taken seriously and rewarded by both plaintiffs' and defense firms. For example, business economics drives defense firms to require productiv-
ity in terms of billable hours. These firms, however, should be encouraged to deduct 50 hours per year from those requirements so long as the associate documents that 50 hours are spent in some form of community service which utilizes the lawyer’s professional expertise. Plaintiffs’ firms need to do the same thing, recognizing that concrete community service is the most valuable kind of advertising. Once this spadework has been established, the State Bar could publicize and spotlight the services being performed by this or that member in daily, weekly, and monthly publications until it finally dawns on the public (and us) that the public good is in deed the foundation of our profession.

Question 4
If elected to the BBC, how do you intend to communicate with members of your district and how would you respond to your district’s concerns?

1st Bar Commissioner District
Beatrice Brickhouse: I plan on attending as many Bar-sponsored events as possible. I hope to meet and speak with the members of my district to better understand their needs and represent their interests. I will communicate that information to other members and to the Board to ascertain if a specific issue is one appropriate for the Bar to address or act upon. If any member has a concern or wishes to discuss issues, he or she is also free to contact me by email at bbrickhouse@cabq.gov, or by telephone at 768-4661.

Melanie Patten: I will communicate with members of the First District by having my contact information available and by sending e-mails. I will encourage the members of the First District to call me or send to me an e-mail about their concerns. I will bring their concerns to the Board of Bar Commissioners to help in resolving the concerns or if a concern is an administrative one the Executive Director of the State Bar may be able to solve it. I am willing to listen and help.

Charles Wyman: Call me old-fashioned, but I prefer live communication with my colleagues. I realize this is more time consuming and less “efficient” than e-mail, but I am eager to go those extra miles and intend to respond to my constituents’ concerns thoughtfully and thoroughly.

Question 5
What role, if any, do you think the Bar should have in handling substance abuse issues among the bench and bar?

1st Bar Commissioner District
Beatrice Brickhouse: To prevent a professional brother or sister from falling prey to addictions is difficult. If we have it in our power to reach out to someone and provide assistance in some way, we should. I believe that members should not be ashamed to enter a recovery program and we should all help those in denial to realize this and get on the road to recovery. I have met and worked with many talented recovering lawyers. I have no objection to a portion of bar dues being used to assist impaired attorneys in getting treatment. In addition, now that members are more aware of this issue within our community, perhaps fundraising from external sources should be attempted to create a fund to financially assist impaired lawyers while they are in programs and unable to work. I do not favor mandatory drug or alcohol testing of judges.

Melanie Patten: I think the State Bar should be able to direct a member to a service, which will provide help for substance abuse. The Lawyers Assistance Committee addresses substance abuse, mental illness, and emotional distress. I think this is a worthwhile committee.

Charles Wyman: The Bar has taken an active role in responding to these issues, and I believe more can be done in terms of intervention by experts in rehabilitation. We have all known or heard of brilliant and/or outstanding lawyers who were unable by themselves to deal with these addictions. Not only is this the right thing to do but it will help alleviate the negative publicity attending incidents where members are found violating the law due to their addiction.

Question 6
What has been your involvement in the State Bar and/or other law-related organizations, such as local and voluntary bars?

1st Bar Commissioner District
Beatrice Brickhouse: I served as President of the Lincoln County Bar Association. I am currently Secretary of the New Mexico Black Lawyers Association. I have attended bench and bar conferences, state bar conventions, and volunteered for Law Day activities. I am also a grader for the Bar Exam.

Melanie Patten: I began participating in the State Bar in 1997 when I joined the Membership Services Committee. I then became a member of the Committee on Women and the Legal Profession. I also decided to chair the Bar Exam Program, sponsored by the YLD. It was from being an active member of committees that I decided to run for a YLD Board director-at-large position. As a board member, I organized brown bag luncheons for young lawyers to meet judges in an informal setting and participated in the Call-In program for Law Day. I became chair of YLD in 2003. As chair, I encouraged young lawyers to network with experienced lawyers and to become involved with the State Bar. I led the YLD Board in organizing a social for young lawyers and a Leaders Luncheon, which was a food drive and an opportunity for young lawyers to meet other lawyers in the community. Currently, I serve as immediate past chair of YLD. I organized articles and board member’s biographies for the YLD newsletter and wrote an article for the newsletter. I have enjoyed my service as a board member of YLD and would like to continue to serve the membership as a commissioner. I also belong to voluntary bar associations. I am a member of the New Mexico Indian Bar Association. I have participated with representatives from the Navajo Nation Bar Association and the Indian Law Section of the State Bar to develop and organize a CLE. I also am a member of the Women’s Bar Association, Albuquerque Bar Association, and the American Bar Association.

Charles Wyman: At various times, I have been a member of the local bars in Eddy, Chaves, Otero, and Bernalillo Counties; a member of the Defense Lawyers Association; the New Mexico Trial Lawyers Association; the Albuquerque Bar Association; and the American Bar Association. I have served on the Supreme Court’s Committee on Uniform Sentencing Guidelines, the Bar’s Committee on Public and Community Relations, the Commission on Professionalism, the Bar’s Advisory Opinions Committee, and have been a CLE lecturer on professional ethics.

Criminal Law Section
Annual Meeting
The Criminal Law Section will hold its annual meeting at noon, Dec. 2, at the State Bar Center. Contact Chair David Crum, (505) 764-5400 or David@newmexlaw.com, to place an item on the agenda.

Employment and Labor Law Section
CLE, Annual Meeting and Reception
The Employment and Labor Law Section and the Center for Legal Education of the State Bar of New Mexico will present a
professionalism program at 3 p.m., Dec. 2, La Posada, Albuquerque. The program will be a video replay of “Engagement Letters: The Gateway to Better Client Relations and Professionalism,” which is worth 2.0 professionalism CLE credits. The annual membership meeting and social will follow from 5 to 7 p.m. Members are encouraged to attend either or both events. Contact Chair Eric Miller, (505) 995-1017 or ermsf@aol.com to place an item on the agenda.

Health Law Section Annual Meeting

The Health Law Section will hold its annual meeting from 5 to 8 p.m., Dec. 2 in the Rio Grande Room at the Petroleum Club, 500 Marquette, Albuquerque. Program to be announced. Contact Chair Jennifer Stone, (505) 343-1776 or jennifer@emhpc.com, to place an item on the agenda.

Lawyers Assistance Committee Wanted: Lawyers in Recovery

The Lawyers Assistance Committee is looking for lawyers in recovery, especially in towns outside ABQ, who would be willing to participate in 12-Step calls on attorneys with alcohol/drug problems. Lawyers willing to help should call Bill Stratvert at (505) 242-6845.

Paralegal Division November Meeting

The Paralegal Division’s upcoming board meeting will be held at 11 a.m., Nov. 13 in Las Cruces. The meeting will be held at the offices of Miller Stratvert P.A., 1125 South Main, Ste. B. The meeting is a great opportunity for members and those interested in division happenings to meet the board members and take part in division activities. Contact Irma Martinez, (505) 528-7549, Marthha Beasley, (505) 526-2449, or Pauline Lemelin, (505) 522-2338, extension 261, to R.S.V.P. Lunch will be provided.

Real Property, Probate and Trust Section CLE and Annual Meeting

The Real Property, Probate and Trust Section and the Center for Legal Education of the State Bar of New Mexico will present a video replay of “Engagement Letters: The Gateway to Better Client Relations and Professionalism,” which is worth 2.0 professionalism CLE credits. The annual membership meeting will be held at 12:45 p.m. All section members are encouraged to attend the meeting regardless of whether or not they are registered for the CLE program. Contact Chair R. Max Best, max@rmaxlaw.com, to place an item on the agenda.

Trial Practice Section CLE, Annual Meeting and Reception

The Trial Practice Section and the Center for Legal Education of the State Bar of New Mexico will present a video replay of Toil and Trouble: Avoiding Common Pitfalls at 3 p.m., Dec. 9 at the State Bar Center. Attendees will receive 1.0 ethics and 2.0 professionalism CLE credits. See page 8 of this week’s CLE insert for registration information. The annual membership meeting and reception will follow at 5:30 P.M. Contact Chair Rick Shane, (505) 883-5030 or rshane@rshabqlaw.com, to place an item on the agenda.

Solo and Small Firm Practitioners Section Annual Meeting, CLE and Reception

The Solo and Small Firm Practitioners Practice Section will hold its annual membership meeting at 1 p.m., Dec. 2 at the State Bar. Avoiding Malpractice in the Solo and Small Firm presented by the State Bar’s Lawyers Professional Liability Committee, will follow at 2 p.m. Attendees will receive 1.0 general and 1.0 ethics CLE credits. See page 8 of this week’s CLE insert for registration information.

Solo and Small Firm Practitioners Section Annual Meeting, CLE and Reception

The section will conduct a meeting at noon, Nov. 16 at the State Bar Center. Chair Beate Boudro would like to receive comments from section members regarding action New Mexico should take after the passage of the ABA model rule requiring attorney disclosure of malpractice insurance. This is in response to State Bar President Dan O’Brien’s request that the Lawyers Professional Liability Committee work with

Senior Lawyers Division 2004 Election Results

The State Bar’s Senior Lawyers Division (SLD) is governed by a board of directors whose members are elected to staggered three-year terms. All members of the State Bar who are at least 55 years of age and who have practiced law in any state for at least 25 years are members of the division and are eligible for office.

An announcement for the 2004 election was published online and in the Bar Bulletin in recent months. The election concluded Oct. 31 with the nominating committee producing the slate of nominees listed below. No petitions were submitted for the available positions to contest the election of the nominees, so they will begin their terms starting January 1, 2005.

Amanda Ashford 2003-2005
Wycliffe Butler 2004-2006
Charles Pharris 2004-2006
Albert Ussery 2004-2006
Stevan Schoen 2004-2006
Bradford Zeikus 2004-2006
Daniel Behles 2005-2007
Timothy Padilla 2005-2007
Anita Miller 2005-2007

Doña Ana County Bar Association Meeting and CLE

The Doña Ana County Bar Association will hold its next meeting at noon, Nov. 18 at Bountiful Bakery Restaurant in Las Cruces, 3050 E. Lohman, Suite H (next to Big 5 Sports). After lunch, the Doña Ana County Bar will present a program worth 1.0 ethics CLE credit.

At 1 p.m., D. James Sorenson of the Kemp Smith law firm will present a one-
hour ethics course for attorneys, HIPAA for Lawyers: What’s New, including information about the first criminal conviction under HIPAA. This program is designed for business attorneys, employment lawyers and trial attorneys. Attorneys should reserve a space by Nov. 15 and plan to pay for their own lunch, plus an MCLE fee of $10. For questions, information or to R.S.V.P., call Barb Redshaw, Sandenaw & Piazza, P.C., at (505) 522-7500.

NM Hispanic Bar Association Holiday Scholarship Fundraiser

The New Mexico Hispanic Bar Association will host its Fourth Annual Holiday Scholarship Fundraiser from 6 to 9 p.m., Dec. 3 at the Sheraton Old Town, 800 Rio Grande Blvd., NW. A reverse drawing will be held with prizes being awarded as follows: last ticket drawn $5,000; second to last ticket drawn $2,000 and third to last ticket drawn $1,000. Door prizes will also be provided. In addition, this year the NMHBA will host a silent auction in conjunction with the drawing. Funds raised from the silent auction will be dedicated to awarding scholarships to high school students throughout New Mexico who intend to pursue their post-secondary studies in New Mexico and who have an interest in a legal career. Tickets for the reverse drawing are $100. Anyone interested in purchasing a ticket can contact Brian Colón, (505) 242-6677 or Tina Cruz, (505) 248-0500.

Sandoval County Bar Association Monthly Meeting

The Sandoval County Bar Association will hold its monthly meeting from noon to 1 p.m., Nov. 18 at the Pasta Café Italian Grill, 3201 Southern Blvd. SE, Rio Rancho. All of the Sandoval County legislators have been invited to discuss the needs of the judiciary for Sandoval County in this legislative session. Attendees should R.S.V.P. to (505) 892-1050 by Nov. 16.

Other News Albuquerque Association of Legal Professionals Charity Auction

In lieu of its monthly meeting Albuquerque Association of Legal Professionals, the local chapter of NALS, the association for legal professionals will be hosting their annual holiday charity auction at 6 p.m., Nov. 19 at the Sheraton Old Town.

The non-profit organization chosen for AALP’s 2004 Holiday Charity Auction is the South Albuquerque Cooperative Ministries (SACM) and all of the proceeds from this auction will be donated to SACM. SACM is a food pantry that was organized in 1997, which has helped to provide food to needy families in the South Valley area. The master of ceremonies for this year’s event will be Judge Ernesto J. Romero from the Second Judicial District. Cocktails begin at 6 p.m. and dinner will be served at 6:30 p.m. The auction starts at 7:30 p.m. Dinner reservations are required for this event and should be made by Nov. 17. Contact Sandra A. Tafoya, (505) 883-3070 or e-mail reservations to sat@atkinsonkelsey.com.

For further information about AALP/NALS, contact Vince Lipinski, (505) 892-5544 or lipinskiv@hotmail.com.

American Civil Liberties Union of New Mexico Bill of Rights Dinner

The American Civil Liberties Union of New Mexico will host their 2004 Bill of Rights Dinner Dec. 4 at 6 p.m. at the Albuquerque Marriott Hotel. Cathy Ansheles will receive the Civil Libertarian Lifetime Achievement Award for her leadership and commitment in working to end the death penalty in New Mexico. George Bach, Kari Morrissey and Lee Peifer will receive the Cooperating Attorneys of the Year Award for fighting against the unconstitutional elements of the Sunshine Law and the Albuquerque Sex Offender Registration and Notification Act. The keynote speaker at the event will be Anthony Romero, the ACLU Executive Director since September 2001. He is the ACLU’s sixth executive director, and the first Latino and openly gay man to serve in that capacity. Visit the ACLU’s Web site at www.aclu-nm.org or call (505) 266-4622 for registration information.

Submit announcements for publication in the Bar Bulletin to notices@nmbar.org by 5 p.m., Monday the week of publication.
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State Bar Center, Albuquerque  NM Defense Lawyers Association  
7.0 G, 1.0 E  (505) 797-6021

19 Essential Issues of Arbitration  
Teleconference  TRT, Inc.  
2.4 G  (800) 672-6253  www.trtcle.com

19 Professionalism and Ethics  
Lawyers & Judges What Flies / What Doesn’t In Practice & Court  
Albuquerque  NM Trial Lawyer’s Foundation  
1.2 G, 2.3 E, 4.9 P  (505) 243-6003  www.nmmtla.org

23 DWI: Adequacy of Proof from Opposing Sides  
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23 Engagement Letters: The Gateway to Better Client Relations and Professionalism  
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29 When Counsel’s Duties Conflict  
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30 Enemy Combatants, Civil Liberties and the USA PATRIOT Act  
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30 Is the Attorney-Client Privilege on the Ropes?  
Teleconference  TRT, Inc.  
2.4 E  (800) 672-6253  www.trtcle.com

DECEMBER

1 Annual ERISA Workshop  
Albuquerque  Sungard Corbel Inc.  
7.2 G  (800) 326-7235  www.sungardcorbel.com

1 Complete Trust Course  
Albuquerque  Professional Education Systems  
8.4 G  (715) 833-3940  www.pesi.com

1-3 Direct and Cross Examinations Skills Workshop  
Albuquerque  National Institute for Trial Advocacy  
17.1 G  (800) 225-6482  www.nita.org

1 Effective Time Management for Lawyers  
Teleconference  TRT, Inc.  
2.4 P  (800) 672-6253  www.trtcle.com

1 How to Draft Wills and Trusts in New Mexico  
Albuquerque  National Business Institute  
6.7 G, 0.5 E  (800) 930-6182  www.nbi-sems.com

1-3 Internal Investigations Certificate Program  
Albuquerque  Council on Education in Management  
19.8 G  (800) 942-4494  www.counciloned.com

1-3 More Recent Developments for Estate Planners  
Teleconference  Cannon Financial Institute  
1.8 G  (706) 353-3346  www.cannonfinancial.com

2 Expert Opinions - Adjudication or Legislation?  
Teleconference  TRT, Inc.  
2.4 G  (800) 672-6253  www.trtcle.com

2 Engagement Letters: The Gateway to Better Client Relations and Professionalism  
VR - La Posado de Albuquerque  Employment and Labor Law Section and Center for Legal Education of SBNM  
2.0 P  (505) 797-6020  www.nmbar.org

29 When Counsel’s Duties Conflict  
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G = General  
P = Professionalism  
E = Ethics  
VR = Video Replay

Programs have various sponsors; 
contact appropriate sponsor for more information.
2 Professional Liability and the Solo and Small Firm Practitioner
State Bar Center
Solo and Small Practitioner Section and Center for Legal Education of SBNM
1.0 G, 1.0 E
(505) 797-6020
www.nmbar.org

7 How to Make a Private Company Acquisition
Teleconference
TRT, Inc.
2.4 G
(800) 672-6253
www.trtcle.com

9 New Developments in Special Education Case Law
Albuquerque
Lorman Education Services
7.2 G
(715) 833-3940
www.lorman.com

3 Annual Medicaid, Life Planning and Elder Law Essentials
Albuquerque
Senior Citizens’ Law Office
6.3 G, 1.0 E
(505) 265-2300

8 2004 Professionalism: An Historical Perspective
VR - State Bar Center, Albuquerque Center for Legal Education of SBNM
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9 Shareholder Activism - The Legal Context
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3 Bad Faith Litigation in New Mexico
Albuquerque
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www.nbi-sems.com

8 Should My Client Litigate or Mediate
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10 2004 Real Property Institute: The Art of the Real Estate Deal
State Bar Center, Albuquerque Real Property, Probate and Trust Section and Center for Legal Education of SBNM
5.1 G, 1.2 E, 1.2 P
(505) 797-6020
www.nmbar.org

3 Medicine for Trial Lawyers
State Bar Center, Albuquerque NM Defense Lawyers Association
6.3 G, 1.2 E
(505) 797-6021

9 Annual Tax Law Update
Satellite Broadcast
Edward Jones
4.5 G
(314) 515-5791

10 Experts: A Primer on Scientific Evidence Under Federal Standards
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2.4 G
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www.trtcle.com

6 Electronic Document Retention Policies and Electronic Discovery
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9 Civil Litigation
Roswell Paralegal Division of NM
1.0 G
(505) 627-5251

13 New Mexico Eminent Domain and Just Compensation
Albuquerque
National Business Institute
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6 Meeting the Challenges of New Mexico Real Estate Titles and Title Insurance
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6.2 G, 1.0 E
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9 Medicaid vs. Long Term Care Insurance Planning in New Mexico
Albuquerque
National Business Institute
3.6 G
(800) 930-6182
www.nbi-sems.com

13 Personal and Professional Liability Issues
Teleconference
TRT, Inc.
2.4 E
(800) 672-6253
www.trtcle.com

7 Fact Finding on the Internet
State Bar Center, Albuquerque Center for Legal Education of SBNM
6.9 G
(505) 797-6020
www.nmbar.org

13 New Mexico Eminant Domain and Just Compensation
Albuquerque
National Business Institute
6.7 G, 0.5 E
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9 Electronic Document Retention Policies and Electronic Discovery
Teleconference
TRT, Inc.
2.4 G
(800) 672-6253
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8 Ethics
Albuquerque Paralegal Division of NM
1.0 E
(505) 243-1443

9 Sharedr Activism - The Legal Context
Teleconference
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8 Should My Client Litigate or Mediate
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9 Toil and Trouble: Avoiding Common Pitfalls in the Practice of Law
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9 Admissibility of Evidence and Expert Testimony in New Mexico
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10 2004 Real Property Institute: The Art of the Real Estate Deal
State Bar Center, Albuquerque Real Property, Probate and Trust Section and Center for Legal Education of SBNM
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CERTIORARI GRANTED BUT NOT SUBMITTED:
(Submission = date of oral argument or briefs-only submission)
ALL CASES HELD IN ABEYANCE PENDING DISPOSITION IN
NO. 28,670, STATE V. SHAY

NO. 28,670 State v. Avilucea (COA 23,964) 6/10/04
NO. 28,706 State v. Cavalier (COA 23,796) 6/22/04
NO. 28,705 State v. Monger (COA 23,944/23,993) 6/22/04
NO. 28,704 State v. Lopez (COA 23,531) 6/22/04
NO. 28,703 State v. Armenta (COA 24,311) 6/22/04
NO. 28,653 State v. Moreno (COA 23,893) 7/19/04
NO. 28,652 State v. Abeyta (COA 23,804) 7/19/04
NO. 28,751 State v. Perez (COA 24,474) 7/19/04
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NO. 28,746 State v. Hensley (COA 23,966) 7/19/04
NO. 28,745 State v. Torres (COA 24,683) 7/19/04
NO. 28,805 State v. Garcia (COA 24,369) 8/10/04
NO. 28,778 State v. Washington (COA 24,004) 8/10/04

CERTIORARI GRANTED BUT NOT SUBMITTED:
(Submission = date of oral argument or briefs-only submission)
ALL CASES HELD IN ABEYANCE PENDING DISPOSITION IN
NO. 28,663, STATE V. DEAN

NO. 28,665 State v. Self (COA 23,588) 7/19/04
NO. 28,664 State v. Lopez (COA 23,531) 7/19/04

CERTIORARI GRANTED AND SUBMITTED:
(Submission = date of oral argument or briefs-only submission)

NO. 27,950 Breen v. Carlsbad Schools (COA 22,858/22,859) 9/30/03
NO. 28,038 Paule v. Santa Fe County Commissioners (COA 22,988) 10/27/03
NO. 27,945 State v. Munoz (COA 23,094) 11/18/03
NO. 27,817 Tomlinson v. George (COA 22,017) 12/15/03
NO. 28,068 State v. Gallegos (COA 22,888) 2/3/04
NO. 28,225 Huntley v. Cibola General Hospital (COA 23,916) 2/29/04
NO. 28,272 Lester v. City of Hobbs (COA 22,250) 3/16/04
NO. 28,241 State v. Duran (COA 22,611) 3/31/04
NO. 28,317 Turner v. Bassett (COA 22,877) 4/12/04
NO. 28,261 State v. Dedman (COA 23,476) 4/13/04
NO. 28,286 State v. Graham (COA 22,913) 5/17/04
NO. 28,374 Smith v. Bernalillo County Commissioners (COA 22,766) 8/9/04
NO. 28,380 Angel Fire v. Wheeler (COA 24,295) 8/9/04
NO. 28,481 Jouvct v. Growney (COA 23,669) 8/10/04
NO. 28,486 Jouvct v. Growney (COA 23,669) 8/10/04
NO. 28,482 Jouvct v. Growney (COA 23,669) 8/10/04
NO. 28,441 Gormley v. Coca Cola (COA 22,722) 8/11/04
NO. 28,462 State v. Ryon (COA 23,318) 8/11/04
NO. 28,416 Blanecey v. Blanecey (COA 24,282) 8/30/04
NO. 28,426 Sam v. Estate of Sam (COA 23,288) 9/13/04
NO. 28,119 State v. Dominguez (COA 23,286) 9/13/04

NO. 28,253 Miller v. Brock (COA 24,124) 9/15/04
NO. 28,249 Miller v. Brock (COA 24,125) 9/15/04
NO. 27,409 State v. Rodriguez (COA 22,558) 9/15/04
NO. 28,016 State v. Lopez (COA 23,424) 9/15/04
NO. 28,471 State v. Brown (COA 23,610) 9/15/04
NO. 28,423 Marquez v. Allstate (COA 23,385) 9/15/04
NO. 28,438 Marquez v. Allstate (COA 23,385) 9/15/04
NO. 28,431 Albuquerque v. Park & Shuttle (COA 24,221) 10/14/04
NO. 28,532 Spencer v. Health Force, Inc. (COA 22,702) 10/14/04
NO. 27,269 Kmart v. Tax & Rev (COA 21,140) 10/14/04
NO. 28,584 State v. Lowe (COA 22,523) 11/15/04
NO. 28,414 State v. O'Kelly (COA 23,272/23,364) 11/15/04
NO. 28,550 Godshall v. Coldwell (COA 23,516) 11/16/04
NO. 28,628 Herrington v. State Engineer (COA 23,871) 11/16/04
NO. 28,648 Fernandez v. Espanola School (COA 23,032) 11/17/04
NO. 28,654 Baker v. BP America (COA 24,741) 11/17/04
NO. 28,678 State v. Madrid (COA 23,822) 11/29/04
NO. 28,559 UNM Police Officers v. UNM (COA 22,111) 11/29/04
NO. 28,630 Archuleta v. Santa Fe Police Department (COA 23,445) 11/29/04
NO. 28,680 State v. Savage (COA 23,801) 11/29/04

PETITION FOR WRIT OF CERTIORARI DENIED:
NO. 28,905 Maloof v. Prieskorn (COA 23,901) 11/3/04

PETITION FOR WRIT OF CERTIORARI WITHDRAWN:
NO. 28,502 State v. Craig (COA 24,149) 11/2/04
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BAR BULLETIN - NOVEMBER 11, 2004 - VOLUME 43, NO. 45
## Clerk Certificates

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(505) 827-4837 (fax)
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Emily A. Williams
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Catlin Marie Zanetti
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IN MEMORIAM

Richard G. Cooper
(June 9 2004)
25 Frances Place
Pueblo, CO 81008-1830

CLERK’S CERTIFICATE OF CORRECTION

Incorrect Name
Roberto Antonio Guillen, Jr.
U.S. Army
3320 Marble Terrace
Colorado Springs, CO 80906
(719)527-0516

Incorrect name
Stephen M. Torres
Law Office of Stephen M. Torres
3700 Coors Blvd. NW, Ste. F
Albuquerque, NM 87120
(505) 839-0123
(505) 839-4017 (fax)
smjtorres@msn.com

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Keith Andersen
1500 Mountain Road NW
Albuquerque, NM 87104-1359

Gregory Gahan
1400 Central Ave. SE,
Suite 2000
Albuquerque, NM 87106-4852
(505) 764-2629
(505) 768-1167 (fax)

Expired Court Monitor Certifications

The following list includes the names and certification numbers of those monitors whose New Mexico certifications are no longer in effect as reported by the Board Governing the Recording of Judicial Proceedings:

<table>
<thead>
<tr>
<th>Name</th>
<th>Monitor Number</th>
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<tr>
<td>Aragon, Rhonda</td>
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<td>Barnes, Tracy</td>
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<td>Benjamin, Laura</td>
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<td>Bond, Evelyn</td>
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<td>Campos, Veronica</td>
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<td>Cannon, Shena</td>
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<td>Gutierrez, Stacey</td>
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<td>Hite, Mary</td>
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<td>Howden, Stephen</td>
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<td>Jaramillo, Bernadette</td>
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<td>Jaramillo-Peck, Bernadette</td>
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<td>Johnston, Emma</td>
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<td>Keith, Annette</td>
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<td>King, Cherry</td>
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<td>Quintero-Brooks, Regina</td>
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<td>Richardson, Patricia</td>
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<td>Saavedra, Jacqueline</td>
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<td>Stout, Rita Kay</td>
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<td>Romero, Gilbert</td>
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<td>Thomas, Roxanne</td>
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<td>Thompson, Rhonda</td>
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<td>Torres, Viola</td>
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<td>Turner, John</td>
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<td>Wells, Susan</td>
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<td>Wright, Judy</td>
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<td>Valenzuela, Guadalupe</td>
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</table>

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Wyndham Airport Hotel – 2910 Yale Blvd SE, Albuquerque, New Mexico

PROGRAM SCHEDULE

8:30 a.m.  CHECK-IN/REGISTRATION

9:00 a.m.  PRACTICAL PROBLEMS IN ETHICS
AND PROFESSIONALISM
Recurring ethical and professional scenarios presented to the audience for solutions and discussion with the panel.
Allegra Carpenter, Esq. Stephen Durkovich, Esq.
Philip Davis, Esq. Bruce Hall, Esq.
Mark Klecan, Esq. Anthony Lopez, Esq.
A. Kevin Martinez, Esq. Joel Newton, Esq.
Janet Santillanes, Esq. Rod Schumacher, Esq.
William Snead, Esq. Stephen Simone, Esq
Victor Titus, Esq.
(120 Minutes - First Half - 1.2 Professionalism Credits; Second Half - 1.2 Ethics Credits)

11:00 a.m.  SHORT DISCUSSIONS OF BIG ISSUES
◆ Civility
◆ The Long Run and the Short Run
◆ Taking the High Road
◆ What District Judges Can Do to Help Professionalism
◆ The Zen of Money and
◆ Other Like Topics of Current Concern
Philip Davis, Esq. Stephen Durkovich, Esq
Bruce Hall, Esq. Mark Klecan, Esq.
Anthony Lopez, Esq. A. Kevin Martinez, Esq.
Joel Newton, Esq. Janet Santillanes, Esq.
Rod Schumacher, Esq. Stephen Simone, Esq.
(75 Minutes - First Half - 1 Professionalism Credit; Second Part - .50 Ethics Credit)

12:15 p.m.  LUNCH (Provided)
Please check sandwich preference on registration form.

12:45 p.m.  A VIEW FROM THE BENCH
What flies and doesn’t fly in arguments before the District Court including:
◆ “Lying”
◆ Discovery Deadlines
◆ Disclosure Deadlines
◆ Changing Direction before the Court
◆ Misrepresenting Cases
◆ What Flies and Doesn’t Fly in Criminal Matters
Hon. Alvin Jones  Hon. Eugenio Mathis
Hon. Valerie Huling  Hon. Stephen Pfeffer
Hon. Robert Thompson
(60 Minutes - First Half - .60 Professionalism Credit; Second Half - .60 Ethics Credit)

1:45 pm.  ACTING PROFESSIONALLY
Howard Twiggs, Esq., Raleigh, North Carolina
(75 Minutes - 1.5 Professionalism Credits)

3:00 p.m.  WHAT FLIES AND DOESN’T FLY IN FRONT OF A JURY
Hon. Eugenio Mathis  Hon. Alvin Jones
Hon. William Lang  Hon. Valerie Huling
Hon. Linda Vanzi  Hon. Louis McDonald
Hon. Robert Thompson
(80 Minutes - 1.2 General Credits)

4:00 p.m.  PROFESSIONALISM RECOGNIZED – NEW MEXICO LAWYERS RECOGNIZED FOR PROFESSIONAL CONDUCT
An update on the New Mexico Supreme Court efforts on Professionalism and Ethics.
Justice Richard Bosson
(30 Minutes - .60 Professionalism Credits)

4:30 p.m.  ADJOURN
Stephen Durkovich, Program Co-Chair
A. Kevin Martinez, Program Co-Chair

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Bar Bulletin - November 11, 2004 - Volume 45, No. 45 35
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Journal Center II
Share new office space down the street from the State Bar building. Contact Stephen Eaton, (505) 837-9200.

Downtown
Beautiful adobe building near MLK on north I-25 on-ramp. Convenient to courthouses with free adequate parking for staff and clients. Conference room, reception room, employee lounge, utilities and janitor service included. Broad band access, copy machine available. From $195 per month. Call Orville, (505) 867-6566; or Jon, (505) 507-5145. Oak Street Professional Bldg., 500 Oak NE.

Offices for Lease
Downtown - Spacious remodeled offices with furnished secretarial space. ($450.00 - $650.00) Two conference rooms; including utilities, janitorial, Cat. 5 networking, DSL internet; phones, security and free parking. Walking distance to all courts - Congenial atmosphere. Call Deborah (505) 843-9171.

One Office Available
Best location in town, one block or less from the new federal, state, metropolitan courts. Lease includes secretarial space, phones and service, parking, library, janitorial, security, receptionist, runner. Contact Thomas Nance Jones, (505) 247-2972.

For Lease - Office Suite Uptown

Office Space

Nob Hill Area Law Office
Comfortable, non smoking environment featuring off street parking, hardwood floors, and easy access to Law School and Courthouses. Many of the finest restaurants in town are within walking distance. $575.00 monthly rent includes telephones, access to copy/fax machine, DSL line and conference room. Contact Jim Ellis, 118 Wellesley Dr., SE, 266-0800.

423 Mountain Road NW
(NE corner of 5th & Mountain)
Available for sale or lease option. Free standing - Downtown office building - Convenient to courthouses - excellent visibility - corner location. Adequate parking - centrally located to downtown traffic district. Newly remodeled - Approximately 1100 sf. Multiple office floor plan, perfect for law firm, healthcare provider, or professional business. Available for immediate occupancy - contact April, Real Estate Broker, NM Real Estate Resources, Inc. 269-5771.

Uptown Space
Office space on Pennsylvania N.E. Suite with three offices, two secretary stations, shared reception area, two shared conference rooms, and shared breakroom. Suite is cable separately for telephone and data services. Includes parking, janitorial, security. Rent negotiable based on additional services. Call 266-8787.

Consulting

Cardio-Legal Consultants
Clinical cardiologists. Experienced in reviewing adult or pediatric heart cases for plaintiff or defense. New Mexico licensed. Widely published, Academic credentials. New Mexico references. Reasonable rates. Contact: mdheartnlegal@yahoo.com

POTPOURRI

Searching for Will
Anyone with information about the existence or whereabouts of the Last Will and Testament of Carmen G. Turrietta, a former resident on Isleta Blvd. in Albuquerque, NM, please contact Brian E. Jennings, Attorney at Law, 620 Roma Ave. NW, Albuquerque, NM 87102, Phone: 505-246-8676; Fax: 505-246-2668. Thank you.

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November

16 Factual and Forensic Development of Evidence
9 a.m. – 3:30 p.m. • 8.4 General CLE Credits
What began in Albuquerque in September of 1999 as a special grand jury investigation into the disappearance of a young Malaysian woman, culminated three years later in the ultimate prosecution and conviction of two capital murder co-defendants in a trial that captured international attention. This seminar examines the evidentiary development of this case to include direct, circumstantial, and forensic considerations. Reference is made to the working inter-relationship between forensic mitochondrial DNA and reverse parentage analyses, issues of sample securement from a foreign sovereign, and its relationship to the prosecution of a No Body Capital Murder case. Prosecutor, Lead Investigative Detective, and Lead Forensic Scientist perspectives are examined.
Presented by: Paul H. Spiers, Esq., Mike Fox, Brent Johnson and Catherine Dickey.
Add-on option: 1.0 Ethics CLE Credit (3:45 p.m. - 4:35 p.m.)
2.0 Professionalism CLE Credits (3:45 - 5:25 p.m.) (see registration form for add-on options)

16/23/30 Engagement Letters: The Gateway to Better Client Relations and Professionalism
10:20 a.m. - Noon • 2.0 Professionalism CLE Credits
The Rules of Professionalism Responsibility make reference to disclosures and client waivers. In this day and age, those disclosures and waivers should all be in writing. The responsibility of the lawyer is to employ effective client communications and client relation skills in order to increase service to the client and foster understanding of the expectations of the representation, to include accessibility of the lawyer and the agreement to fees with the client. The primary purpose of this program is to discuss the effective use of engagement letters as a means to enhance communications and reduce the liability risks associated with your practice.
Presented by: John A. Bannerman, Esq.

12:30 – 3:30 p.m. • 3.6 General CLE Credits
This seminar features speakers from the prosecution and defense sides regarding updates in the law and the proof needed for trial. The judicial view is also represented by a Judge who has handled a multitude of DWI cases in Albuquerque’s Metro Court.
Presented by: Judge Kevin Fitzwater, Pete Ross, Esq., Roger Smith, Esq. and Jack Mastenbrook, Esq. (Facilitator)

30 Enemy Combatants, Civil Liberties and the USA Patriot Act
9 a.m. – 4 p.m. • 7.6 General CLE Credits
You will not want to miss this exciting full day seminar. Professor Viet Dinh of Georgetown University Law Center, author of the controversial USA PATRIOT Act, speaks on recent U.S. Supreme Court decisions involving the Terrorism Trilogy (Hamdi, Padilla, Guantanamo Bay detainees). Also included in this distinguished program are U.S. Attorney David Iglesias (USEERRA), John D. Cline of Jones Day in San Francisco (FISA), Executive Assistant U.S. Attorney Rumaldo Armijo (Indian Law Jurisdiction), and Attorney John Watson (SCRA).

Enrollment Form:
Name __________________________
Address __________________________
City __________________________ State _____ Zip ________
Phone __________________________ Fax __________________________
Email __________________________

Note: Lunch included for all programs. If attending an afternoon program ONLY, lunch is available 30-minutes prior to program.

From 2004 Bridge The Gap:
Dialogue on Diversity, 1.0 E                  $39 Nov. 16, 3:45 - 4:35 p.m.
Emotional Intelligence, 2.0 P                $59 Nov. 16, 3:45 - 5:25 p.m.
DWI: Adequacy of Proof from Opposing Sides, 3.6 G $109 Nov. 23, 12:30 - 3:30 p.m.

Enemy Combatants/USA PATRIOT Act, 7.6 G
Engagement Letters, 2.0 P
Factual and Forensic Development of Evidence, 8.4 G

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2004 Real Property Institute:
The Art of the Real Estate Deal

Co-sponsored by: Real Property, Probate & Trust Law Section
Friday, December 10, 2004 • 8:30 a.m. to 4:30 p.m. • State Bar Center
5.1 General, 1.2 Ethics, and 1.2 Professionalism CLE Credits

The 2004 Real Property Institute will address a variety of issues impacting real estate transactions, from formation of entities for holding real estate to the application of the USA Patriot Act to real estate deals. It will be focused on intermediate to advanced level of instruction relevant to real estate practitioners. Although this seminar is intended primarily for real estate attorneys, it will also be helpful for paralegals, brokers and other real estate professionals.

8:30 a.m. Choice of Entity: Why Not an LLC? and Tax Issues in LLC Operating Agreements
Ethan Epstein, Modrall, Sperling, Roehl, Harris & Sisk, P.A.

9:30 a.m. Ethical Issues in Multi-Client Arrangements
James Widland, Miller Stratvert P.A. • Kevin Peterman, Vogel, Campbell & Blueher PC

10:30 a.m. Break

10:45 a.m. Professionalism of a Lawyer’s Due Diligence in Acquisition Transactions
Charles Price, Myers, Oliver & Price PC • Patrick Hurley, Hurley, Toevs, Styles, Hamblin & Panter, PA

11:45 a.m. Lunch provided

12:45 p.m. Real Property, Probate & Trust Section Annual Meeting

1:00 p.m. Brokerage Arrangements Under New Mexico Law
Nelse Schreck, Rodey, Dickason, Sloan, Akin & Robb PA

2:00 p.m. USA Patriot Act - Orlando Lucero, Stewart Title Company

2:45p.m. Break

3:00p.m. Title Insurance Update - Edward Roibal, Roibal Law Firm

4:00p.m. Use of the Real Property, Probate & Trust Section Opinion Letter Form
Catherine Goldberg, Rodey, Dickason, Sloan, Akin & Robb PA

4:30 p.m. Adjourn

REGISTRATION – 2004 REAL PROPERTY INSTITUTE:
The Art of the Real Estate Deal
December 10, 2004 • 8:30 a.m. to 4:30 p.m. • State Bar Center
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