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Legal Education Calendar

Writs of Certiorari

In the Matter of Karl Gillson, an Attorney Licensed to Practice Law in the Courts of the State of New Mexico

Proposed Amendments to the Magistrate, Metropolitan and Municipal Court Rules and Civil Forms

The Black Bear (Ursus americanus) was adopted as the state animal Feb. 8, 1963. Smokey Bear, probably the most famous bear in the history of the United States, was a New Mexico black bear cub found alive in a tree after a massive forest fire in the Lincoln National Forest near Capitan. In 1950, the U.S. Forest Service and the Advertising Council utilized Smokey as the symbol for fire prevention campaigns conducted all over the country. Smokey received much notoriety, lived to a ripe old age, and was buried at Smokey Bear State Park in Capitan.

Special Insert:

NEW MEXICO HISPANIC BAR NEWSLETTER

RES PUBLICA
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2004 BUSINESS CRIMINAL LAW PANEL FORUM

Tuesday, December 21, 2004 • 9:30 a.m. - 2 p.m.
State Bar Center • 4.2 General CLE Credits

Moderator: Anthony Lawrence Romo, Esq.

The stunning demise of Arthur Andersen & Co. leaves no question as to the notion that criminal law considerations are front and center for business enterprises. This half-day forum will consist of three panels of one hour each composed of business managers, judges, prosecutors, defense counsel and a public relations specialist who will focus on areas of interest to business entities, their managers, and owners. The day concludes with a working lunch, a guest speaker and a question and answer session for the panel members.

Schedule

9:30 a.m.   Panel Discussion on Issues
12:30 p.m. Lunch with Guest Speaker
1:30 p.m.  Question and Answer Session
2:00 p.m.  Adjourn

REGISTRATION – 2004 BUSINESS CRIMINAL LAW PANEL FORUM

December 21, 2004 • 9:30 a.m. to 2:00 p.m. • State Bar Center • 4.2 General CLE Credits

☐ $99 - Standard and Non-Attorney  ☐ $89 - Governmental and Paralegal

Name: ___________________________________________________ NM Bar#: ____________________________
Firm: _______________________________________________________________________________________
Address: _____________________________________________________________________________________
City/State/Zip: ______________________________________________________________________________
Phone: _______________________________________________________________________________________
Fax: ____________________________
E-mail address: __________________________________________

Payment Options:  ☐ Enclosed is my check in the amount of $ ___________________ (Make Checks Payable to: CLE State Bar of NM)
☐ VISA  ☐ Master Card  ☐ American Express  ☐ Discover  ☐ Purchase Order (Must be attached to be registered)
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Mail this form to: Center for Legal Education of the NM State Bar Foundation, PO Box 92860 Albuquerque, NM 87199 or Fax to (505) 797-6071.
Register Online at www.nmbar.org
Gain the Edge! Negotiation Strategies for Lawyers
Wednesday, December 15, 2004 - 9 a.m. - 5 p.m. • State Bar Center • 5.6 General and 1.0 Ethics CLE Credits

Presenter: Martin E. Latz, Esq., Adjunct Professor, Arizona State University

One of the most critical skills that any attorney can possess is the ability to negotiate, yet most negotiate instinctively or intuitively. In this seminar, one of the nation’s leading experts and instructors on negotiating techniques will help you to approach negotiations with a strategic mindset. You will learn 15 skills that will help you to gain the edge in your negotiations, skills that expert Marty Latz has shared with great enthusiasm with lawyers in over 40 states. This course also includes a complimentary copy of Latz’ latest book entitled Gain the Edge! Negotiating To Get What You Want.

☐ $199 Standard and Non-Attorney ☐ $189 Government and Paralegal

Advanced Issues in Domestic Violence
Thursday, December 16, 2004 - 8:30 a.m. - 4:30 p.m. • State Bar Center • 7.2 General CLE Credits

Co-Sponsor: NM Black Lawyers Association

Presenters: David Eisenberg, Tammi Lambert, Ann Badway, Stan Whitaker, Melissa Ewen, Sandra Garnder

Domestic violence is one of the most pervasive crimes facing most communities across the country. The State of New Mexico is certainly one of the most beautiful, culturally rich and ethnically diverse states in the country. However, it also has some of the highest numbers of domestic violence incidents in the country. This seminar will address some of the more uncommon and advanced issues associated with the criminal and civil prosecution of domestic violence cases in New Mexico.

☐ $169 Standard and Non-Attorney ☐ $149 Government, Paralegal and NM Black Lawyers Association Member

Accounting for Lawyers: The Basics of Accounting and Demystifying Financial Statements
Friday, December 17, 2004 - 8:30 a.m. - 4:15 p.m. • State Bar Center • 7.5 General CLE Credits

Co-Sponsor: Law Office Management Committee

Presenter: Douglas R. Smith, CPA

This seminar begins with an overview of basic financial accounting concepts using real financial statements to demonstrate. Participants will be exposed to how analytical techniques are applied to financial reports and ways to detect manipulation of these reports, and learn how to determine how much reliance to place on a financial report and what questions to ask in various circumstances to better understand the reports. Specifics of reporting and budgeting will be applied to law firm financial management so that you will leave knowing the right questions to ask your accountants, how to use financial reports and budgets to evaluate results, and use these tools to plan for the future.

☐ $199 Standard and Non-Attorney ☐ $179 Government, Paralegal and Solo and Small Firm Practitioners

FOUR WAYS TO REGISTER

Phone: (505) 797-6020, Monday - Friday, 9 a.m. - 4 p.m. (Please have credit card information ready)
Fax: (505) 797-6071, Open 24 hours • Internet: www.nmbar.org, click CLE, then Educational Programs
Mail: CLE, PO Box 92860, Albuquerque, NM 87199

Name ___________________________ NM Bar # ___________________________
Street ___________________________ City/State/Zip ___________________________
Phone _______ Fax _______ Email ___________________________
Purchase Order (Must be attached to be registered) ☐ Check enclosed $ _________ Make check payable to CLE of the SBNM
☐ VISA ☐ MasterCard ☐ American Express ☐ Discover
Credit Card # ___________________________ Exp. Date ___________________________
Authorized Signature ___________________________
Meetings

December
13
Historical Committee, noon, Jeffries, Rugge & Rosales, P.C.

14
Taxation Section Board of Directors, noon, via teleconference

14
Lawyers Professional Liability Committee, noon, State Bar Center

14
Committee on Diversity in the Legal Profession, 3 p.m., State Bar Center

15
Bankruptcy Law Section Board of Directors, noon, TBD

16
Children's Law Section, noon, Juvenile Justice Center

16
Committee for Delivery of Legal Services to People with Disabilities, noon, State Bar Center

17
Indian Law Section Board of Directors, 9 a.m., State Bar Center

17
Board of Bar Commissioners Meeting, 12:30 p.m., State Bar Center

State Bar Workshops

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

*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.
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:

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Dec. 23</td>
<td>8 a.m. to 1 p.m.</td>
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<tr>
<td>Dec. 24 to 25</td>
<td>Closed</td>
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<tr>
<td>Dec. 27 to 29</td>
<td>8 a.m. to 5 p.m.</td>
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<tr>
<td>Dec. 30</td>
<td>8 a.m. to 1 p.m.</td>
</tr>
<tr>
<td>Dec. 31 to Jan. 1</td>
<td>Closed</td>
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The Board Governing the Recording of Judicial Proceedings

Notice Regarding Taking of Depositions

According to the Rules of Civil Procedure 1-030, Subparagraph E, “Review by witness; changes; signing,” it is the deponent or a party’s responsibility to request, before completion of the deposition, that the deponent review the transcript within 30 days after being notified by the court reporter that the transcript is available. The court reporter is not allowed to request, instruct, suggest or otherwise inform the deponent or parties about this Rule. If the subject of this Rule does not occur before the completion of the deposition, the court reporter shall indicate “Not Requested” on the Certificate of Completion inserted at the conclusion of the transcript. Contact (505) 821-1440 or ccr@ccrboard.com for more information.

NM Board of Legal Specialization

Comments Solicited

The following attorneys are applying for certification as specialists in the area of law identified. Application is made under the New Mexico Board of Legal Specialization, Rules 19-101 through 19-312 NMRA. The Rules of the New Mexico Board of Legal Specialization provide that the names of those seeking to qualify shall be released for publication. Further, any person may comment upon the applicant’s qualifications within 30 days after the independent inquiry and review process carried on by the board and appropriate specialty committee. The board and specialty committee encourage attorneys and others to comment upon any applicant. Address comments to New Mexico Board of Legal Specialization, PO Box 92860, Albuquerque, NM 87199.

Appellate Practice
Kim E. Kaufman

Employment and Labor Law
Trent A. Howell

Federal Indian Law
Daniel M. Rosenfelt

Estate Planning, Trusts and Probate Law
Judith D. Schrandt

First Judicial District Court
Family Law
Brownbag Meeting

The First Judicial District Court will host its family law brownbag meeting at noon, Dec. 14 in the Grand Jury Room, second floor, of the Steve Herrera Judicial Complex in Santa Fe. It will be the annual holiday potluck luncheon so attendees should bring food to share. For more information, contact Elge Simons, (505) 982-3610 or esimons@rubinkatzlaw.com.

Second Judicial District Court
Designated Presiding Judges

Effective Nov. 30, Chief Judge William F. Lang has designated the court’s presiding judges as follows:

<table>
<thead>
<tr>
<th>Court Type</th>
<th>Judge</th>
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</thead>
<tbody>
<tr>
<td>Family Court</td>
<td>Judge Nan Nash</td>
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<tr>
<td>Children’s Court</td>
<td>Judge Marie Baca</td>
</tr>
<tr>
<td>Civil Division</td>
<td>Judge Ted Baca</td>
</tr>
<tr>
<td>Criminal Court</td>
<td>Judge Neil Candelaria</td>
</tr>
</tbody>
</table>

For more information contact the court administrator at (505) 841-7458.

Destruction of Tapes

Pursuant to the Judicial Retention and Disposition Schedules, the Second Judicial District Court will destroy tapes filed with the court in criminal cases for the years 1977 to 1983 and MC cases for the year 1982, included, but not limited to, cases that have been consolidated. Cases on appeal are excluded. Should attorneys have cases with tapes, and wish to have duplicates made, please verify tape information with the Special Services Division at (505) 841-6717 from 8 a.m. to noon, and from 1 to 5 p.m., Monday through Friday. Aforementioned tapes will be destroyed after Dec. 24.

Holiday Court Closings

As approved by the Supreme Court, the Second Judicial District Court will close for the Christmas and New Year’s holidays as follows:

Dec. 23, the Court will close at noon
Dec. 24, the Court will be closed all day
Dec. 30, the Court will close at noon
Dec. 31, the Court will be closed all day

Fifth Judicial District Court

Judicial Nominations Sought

A vacancy on the Fifth Judicial District Court will exist as of Jan. 1, 2005, upon the resignation of the Honorable Alvin F. Jones, effective Dec. 31. The Chair of the Fifth Judicial District Nominating Commission solicits applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 14 of the New Mexico Statutes Annotated 1978. Applications may be obtained from the Judicial Selection web site at http://lawschool.unm.edu/judsel/index.htm, or e-mailed/faxed/mailed to you by calling Reva Chapman, (505) 277-4700. The deadline for applications has been set for Dec. 22 at 5 p.m. Applications received after that date will not be considered.

Sixth Judicial District Court

Change in Judicial Assignment

Effective Jan. 1, 2005, all cases currently assigned to The Honorable Jim Foy of the Sixth Judicial District Court in Grant, Luna and Hidalgo Counties of New Mexico, will be assigned to the newly elected Judge J. C. Robinson, except for those cases in which Judge Robinson or any member of his former law firm (David Lopez, Daniel Dietzel and William Perkins) are counsel of record. Those cases in which either Judge Robinson or members of his former law firm are counsel of record shall be assigned to Judge H. R. Quintero on Jan. 1, 2005. Parties who want to exercise their statutory right to excuse either Judge Robinson or Judge Quintero, pursuant to Rules 1-088.1, 5-106, and 10-112 NMRA, must do so no later than Dec. 15.

Eleventh Judicial District Court

Notice to Attorneys

Effective Jan. 1, 2005, Judge Sandra Price will assume all of the court cases that are assigned to Judge Douglas Echols in Division III. Parties who have not previously exercised their right to challenge or excuse will have 10 days from Jan. 3, 2005 to challenge or excuse Judge Price pursuant to Supreme Court rule 1-088.1.
Bernalillo County Metropolitan Court Holiday Lunch

The Bernalillo County Metropolitan Court will be closed from 11:30 to 1:30 p.m. on Dec. 15. The judges and administration will be serving up the annual employee Holiday Lunch as their way of saying thanks for another year of hard work and dedication to the court. Judges and court administrators will don aprons and hats to serve up the barbeque meal which will be catered by Geezambonis.

Judges’ Meeting

The Bernalillo County Metropolitan Court judges have rescheduled their monthly judges’ meeting to noon, Dec. 14 in the Judicial/Administrative Conference Room (Room 849) of the Metropolitan Court Building, 401 Lomas NW, Albuquerque. The meeting is open to the public. Call the Court Administrator’s Office at (505) 841-8105 for more information or if you need accommodations for disabilities.

Bernalillo County Probate Court Holiday Closures

The Bernalillo County Probate Court will be closed from noon, Dec. 22 to 24, due to holiday schedules. The Probate Court will be open Dec. 27 to 30, closed December 31, and open Jan. 3, 2005 and beyond. Anyone who needs to file a probate case during the time the Probate Court is closed should contact the Second Judicial District Court, 841-7451 or 841-7425, regarding its holiday hours.

STATE BAR NEWS

Bar Bulletin Holiday Submission Deadlines

The Bar Bulletin will be on an abbreviated production schedule for the Dec. 23 and Dec. 30 issues due to holiday closures. Deadlines for submission of news items and advertising to be included in these issues will be changed. The deadlines for submission of news items will be Dec. 17 for the Dec. 23 issue and Dec. 24 for the Dec. 30 issue. Advertising deadlines will be Dec. 14 for the Dec. 23 issue and Dec. 21 for the Dec. 30 issue. Contact the editor at (505) 797-6030, kthompson@nmbar.org, or the account executive at (505) 797-6058, mullibarri@nmbar.org, for more information.

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 Meeting Agenda

The State Bar Board of Bar Commissioners will meet at 12:30 p.m., Dec. 17 at the State Bar Center in Albuquerque. The meeting agenda follows:

1. Board of Bar Commissioners Election Results/Welcome and Introduction of New Commissioners
2. Reciprocity Committee Report
3. Approval of November 4, 2004 Meeting Minutes
4. Finance Committee Report
5. Acceptance of Financials
6. Annual Meeting
7. President's Report
   A. December 15th Budget Meeting with Supreme Court
   B. Oklahoma Bar Convention
   C. Other
8. President-elect's Report
   A. BBC Internal Committee Appointments
   B. 2005 Board of Bar Commissioners Meeting Schedule
   C. Update Regarding the Alternative Methods of Dispute Resolution Committee
9. Discussion Regarding LREPs/Aging Issues
10. Discussion of Judicial Campaigns
11. Executive Director’s Report
12. Update on Public and Legal Services for 2005
13. Approval of Client Protection Fund Recommendation
14. Approval of Amendments to Unauthorized Practice of Law Statutes
15. Bylaws/Policies Committee Report
16. Appointments to Supreme Court Committees/Boards
17. Annual Meeting Planning Committee Report
18. Division Reports
   A. Young Lawyers Division
   B. Senior Lawyers Division
   C. Paralegal Division
19. New Business
20. Presentation of Outgoing Commissioner Plaques
21. Reception Honoring Outgoing Commissioners Colin C. Alcott and Elizabeth E. Whitefield

Lawyers Assistance Committee

Wanted: Lawyers in Recovery

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

OTHER NEWS

Center for Civic Values Mock Trial Coach Needed

An attorney coach is needed for the West Mesa High School mock trial team in Albuquerque. Attorneys interested in participating in this exciting and rewarding program, should call 764-9417, extension 13, or send e-mail to mocktrial@civicvalues.org. The mock trial program is a cosponsored activity of the Center for Civic Values, the State Bar of New Mexico and the UNM School of Law.

New Mexico Workers’ Compensation Administration Judicial Appointment

The Director of the New Mexico Workers’ Compensation Administration hereby announces the expiration of the initial one-year term of Workers’ Compensation Judge Helen Stirling. Judge Stirling is eligible to apply for a five-year appointment, pursuant to NMSA 1978, Section 52-5-2 B of the Workers’ Compensation Act. Persons wishing to make information available to the director for the statutory review of the judge’s performance should submit comments in writing on or before Jan. 10, 2005.

UNM Law Library Holiday Hours

UNM Law Library Hours through Dec. 18.
Monday-Thursday 8 a.m. to 11 p.m.
Friday 8 a.m. to 5 p.m.
Saturday 9 a.m. to 5 p.m.
Sunday Noon to 11 p.m.

The Law Library will be closed or operate on limited hours during the following UNM holidays:
Dec. 19 Closed
Dec. 20-22 8 a.m. to 5 p.m.
Dec. 23 to Jan. 3 Closed
Jan. 4-7 8 a.m. to 5 p.m.
Jan. 8 9 a.m. to 5 p.m.
Jan. 9 Closed

Call the Reference Desk, (505) 277-0935 if you have any questions.
Get Involved in State Bar Committees

By joining you will:
• Help Strengthen the Legal Profession
• Work on Legal Causes of Interest
• Increase Access to the Legal System

Each year the State Bar president appoints members to committees that accomplish these goals. Review the descriptions and complete the form below to request an appointment for 2005.

Please check the committee(s) you wish to join.

- Alternative Methods of Dispute Resolution (ADR) – Promotes and provides legal education and training in the use of alternative dispute resolution processes.
- Bench and Bar Relations – Plans the statewide Bench and Bar Conference.
- Client Relations - Advises the State Bar Client Attorney Assistance Program (CAAP), which attempts to resolve minor problems that clients may have with their attorneys. CAAP includes the State Bar’s Client Protection Fund, fee arbitration panel, peer assistance program and unauthorized practice of law complaints.
- Delivery of Legal Services to People with Disabilities – Provides information and assistance to ensure access to counsel for persons who have a disability.
- Diversity in the Legal Profession – Promotes opportunities for minorities in the legal profession and encourages participation by minorities in bar programs and activities.
- Historical – Acquires, maintains and submits for publication historical information relating to the bar.
- Law Office Management – Develops and provides resources for attorneys, especially solo and small firm practitioners and young lawyers, to more effectively manage law practices.
- Lawyers Assistance – Provides confidential peer assistance to State Bar members in need of help because of substance abuse, mental illness or emotional distress.
- Lawyers Professional Liability – Advises the State Bar regarding risk management activities.
- Legal Services and Programs: Planning Subcommittee – Recommends to the State Bar and other appropriate legal service organizations systemic approaches to the effective and efficient delivery of legal services to the poor.
- Legal Services and Programs: Pro Bono Subcommittee – Facilitates cooperation and coordination of pro bono opportunities available to the State Bar and the UNM School of Law.
- Legal Services and Programs: Funding Subcommittee - Encourages and explores ways to fund non-profit organizations that provide free civil legal services for low-income New Mexicans.
- Membership Services – Evaluates and makes recommendations regarding in-house programs. Advises the State Bar on alliance program agreements with vendors of products and services.
- NM Medical-Legal - Addresses issues of mutual concern to both professions.
- Public Legal Education – Provides information and education about the legal profession, the law and services available through the State Bar and other law-related entities.
- Quality of Life – Examines issues such as depression, dissatisfaction and balance in order to provide recommendations that will help to alleviate the stress of modern law practice.
- Technology Utilization – Assists with the development and promotion of electronic technology applications for the legal profession.
- Women and the Legal Profession – Addresses issues affecting women as lawyers and judges and monitors substantive issues of women served by the legal system.

Name: ________________________________________
Address: ______________________________________
City/State: _________________________  Zip: ________
Telephone: ________________  Fax: ________________
E-mail: ________________________________________

Mail To: State Bar of New Mexico,
Membership and Communications Department,
PO Box 92860, Albuquerque, NM 87199-2860
Fax: (505) 828-3765
Request by E-mail: membership@nmbar.org
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<td>New Mexico Eminent Domain and Just Compensation</td>
<td>Albuquerque National Business</td>
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<td>(800) 930-6182</td>
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<td>Gain the Edge! Negotiation Strategies for Lawyers</td>
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<td>Center for Legal Education of SBNM</td>
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<td>Probate Process from Start to Finish in New Mexico</td>
<td>Albuquerque National Business</td>
<td>7.5 G, 0.5 E</td>
<td>(800) 930-6182</td>
<td><a href="http://www.nbi-sems.com">www.nbi-sems.com</a></td>
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<td>Personal and Professional Liability Issues</td>
<td>TRT, Inc.</td>
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<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
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<td>14</td>
<td>The Rising Tide of Charitable Giving: A Legal Update</td>
<td>Center for Legal Education of SBNM</td>
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<td>(505) 797-6020</td>
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<td>Toil and Trouble: Avoiding Common Pitfalls</td>
<td>VR - State Bar Center, Albuquerque</td>
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<td>Gross Receipts and Compensating Tax for Beginners</td>
<td>Albuquerque Lorman Education</td>
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<td><a href="http://www.lorman.com">www.lorman.com</a></td>
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<td>Workplace Harassment - Provide Your Clients With the Essentials for</td>
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<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
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<td>2004 Professionalism: An Historical Perspective</td>
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<td>Police Liability</td>
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<td>Advanced Issues in Domestic Violence</td>
<td>State Bar Center, Albuquerque</td>
<td>7.2 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
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<td>Center for Legal Education of SBNM</td>
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<td>Settlements Are For Losers! We All Agree ... Don’t We? (Is there a</td>
<td>Albuquerque Hilton</td>
<td>3.6 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
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<td>15</td>
<td>Drafting LLC and LLP Agreements in New Mexico</td>
<td>Albuquerque National Business</td>
<td>7.5 G, 0.5 E</td>
<td>(800) 930-6182</td>
<td><a href="http://www.nbi-sems.com">www.nbi-sems.com</a></td>
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<td>Electronic Document Retention Policies and Electronic Discovery</td>
<td>TRT, Inc.</td>
<td>2.4 G</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
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<td>National Business Institute</td>
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<td>6.6 G, 0.6 E</td>
<td>(715) 833-3940</td>
<td><a href="http://www.lorman.com">www.lorman.com</a></td>
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16 Should My Client Litigate or Mediate
Teleconference
TRT, Inc.
2.4 G
(800) 672-6253
www.trtcle.com

17 Accounting for Lawyers: The Basics of Accounting and Demystifying Financial Statements
State Bar Center, Albuquerque
Law Office Management Committee and Center For Legal Education of SBNM
7.5 G
(505) 797-6020
www.nmbar.org

17 Children’s Court Practice
Las Cruces
Advocacy, Inc.
7.8 G
(505) 256-9369

17 School Law Issues in New Mexico
Albuquerque
National Business Institute
6.7 G, 0.5 E
(800) 930-6182
www.nbi-sems.com

17 Take a KILLER! Adverse Deposition
State Bar Center, Albuquerque
NM Defense Lawyers Association
7.8 G
(505) 797-6021

17 The Best of the Best: Half-day of Video Highlights of Top Rated Speakers
Albuquerque, Santa Fe and Las Cruces
New Mexico Trial Lawyers’ Foundation
2.7 G, 1.2 E, 2.0 P
(505) 243-6003
www.nmhitla.org

17 Workplace Harassment - Provide Your Clients With the Essentials for Eliminating Claims
Teleconference
TRT, Inc.
2.4 G
(800) 672-6253
www.trtcle.com

16 Bankruptcy Law Seminar
State Bar Center, Albuquerque
Westlaw
1.8 G
(800) 310-9650 Ext. 7101
http://west.thomson.com/westlaw/training/classes

17 Labor and Employment Law Seminar
State Bar Center, Albuquerque
Westlaw
1.8 G
(800) 310-9650 Ext. 7101
http://west.thomson.com/westlaw/training/classes

17 Legal and Tax Advantages of Limited Liability Companies: What Every Practitioner Should Know
State Bar Center, Albuquerque
Center for Legal Education of SBNM
6.8 G, 1.0 E
(505) 797-6020
www.nmbar.org

17 Parental Alienation Syndrome - The Lawyer’s Role
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17 Practical Guide to Zoning and Land Use Law in New Mexico
Albuquerque
National Business Institute
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17 2004 Business Criminal Law Panel Forum
State Bar Center, Albuquerque
Center for Legal Education of SBNM
4.2 G
(505) 797-6020
www.nmbar.org

17 Annual Review of Civil Procedure
VR-State Bar Center, Albuquerque
Center for Legal Education of SBNM
8.4 G
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www.nmbar.org

17 Is a New Rule Needed Regarding Class Action Litigation?
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17 2004 Professionalism: An Historical Perspective
VR - State Bar Center, Albuquerque
Center for Legal Education of SBNM
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17 Just WHO is the Client?
Teleconference
TRT, Inc.
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www.trtcle.com

20 Bankruptcy Law Seminar
State Bar Center, Albuquerque
Westlaw
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www.nmbar.org

G = General  E = Ethics
P = Professionalism  VR = Video Replay
Programs have various sponsors;
contact appropriate sponsor for more information.
## WRITS OF CERTIORARI

**AS UPDATED BY THE CLERK OF THE NEW MEXICO SUPREME COURT**

**Kathleen Jo Gibson, Chief Clerk New Mexico Supreme Court**

PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

**EFFECTIVE DECEMBER 8, 2004**

<table>
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<th>Petitions For Writ Of Certiorari Filed And Pending:</th>
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<tr>
<td>NO. 28,977</td>
<td>State v. Duran (COA 24,994)</td>
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<td>Sisneros v. Williams (12-501)</td>
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<td>NO. 28,942</td>
<td>Malone v. Montoya (COA 24,773)</td>
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<td>State v. Lopez (COA 24,695)</td>
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<td>State v. Montoya (COA 24,192)</td>
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<td>State v. Alvey (COA 23,512)</td>
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<td>State v. Young (COA 24,906)</td>
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<td>State v. Wickware (COA 25,403)</td>
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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**

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<td>NO. 28,778</td>
<td>State v. Washington (COA 24,004)</td>
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**WRITS OF CERTIORARI**

**AS UPDATED BY THE CLERK OF THE NEW MEXICO SUPREME COURT**

Kathleen Jo Gibson, Chief Clerk New Mexico Supreme Court
PO Box 848 • Santa Fé, NM 87504-0848 • (505) 827-4860

**EFFECTIVE DECEMBER 8, 2004**

**CERTIORARI GRANTED BUT NOT SUBMITTED:**

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**PETITION TRANSFERRED TO NEW MEXICO COURT OF APPEALS:**

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**PETITION FOR WRIT OF CERTIORARI DENIED:**

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<td>NO. 28,940</td>
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<td>NO. 28,936</td>
<td>12/6/04</td>
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In the Matter of Karl Gillson An Attorney Licensed to Practice Law in the Courts of the State of New Mexico

November 19, 2004

FORMAL REPRIMAND

Mr. Gillson you are before the Disciplinary Board as a result of your conduct in two criminal cases in which you were the prosecutor. The cases are: State of New Mexico v. Bernadine Mazon, No. CR-2002-312-II, in which the defendant was charged with cocaine trafficking; and State of New Mexico v. Eric Sleuth, No. CR-2003-004-V, in which the defendant was charged with rape. Pursuant to the Findings of Fact, Conclusions of Law and Recommendations of the Board Panel, you are being issued this Formal Reprimand.

In the Mazon case you discovered on the morning of trial that evidence had been destroyed yet you argued in opposition to defendant’s Motion To Suppress presented later that morning and negotiated a plea bargain agreement with the defendant without disclosing to the court or defense counsel that the evidence had been destroyed. Upon subsequent discovery by Defendant’s attorney of the destruction of the evidence, he moved to set aside the guilty plea. You thereupon filed a Nolle Prosequi as a result of which the case was dismissed with prejudice because a jury had been impaneled.

In response to the complaint filed with this Board by Mazon’s counsel, you stated: “However, as in many situations, in hindsight, I have learned a great deal. The lesson: ‘when in doubt, disclose, disclose, disclose!’” This lesson was, apparently, not well learned because barely two months later you repeated the conduct in the Sleuth case. In that case you failed to disclose to the defense that several weeks prior to trial the complaining witness had retracted her initial statement to police officers that before the alleged rape she had been given a disabling drug by the defendant. When your failure to disclose became apparent in the course of trial, Defendant’s counsel filed a Motion To Dismiss. After hearing oral argument on the motion, the court entered an Order dismissing the case and found that your failure to disclose the retraction violated the special duties of the prosecutor and the court’s previous disclosure order.

Your conduct in these cases violated the following rules: Rule 16-101 because you failed to provide competent representation to your client, the State of New Mexico; Rule 16-102(D) because you engaged in conduct which misled the court by your failure to disclose the existence of exculpatory evidence in both cases and, particularly, in the Mazon case, by arguing in opposition to a motion to suppress evidence that you knew had been destroyed; Rule 16-303(A)(2) by failing to disclose a material fact to a tribunal, namely, destruction of the evidence in Mazon and the recantation of evidence in Sleuth; Rule 16-304(A) by obstructing defendants’ access to evidence; Rule 16-308(D) by failing to timely disclose to the defense all evidence known to the prosecutor that tends to negate the guilt of the accused; Rule 16-804(C) by engaging in conduct involving dishonesty, fraud, deceit and misrepresentation; Rule 16-804(D) by engaging in conduct prejudicial to the administration of justice; and Rule 16-804(H) by engaging in conduct adversely reflecting on your fitness to practice law. As a result of your conduct in both of these cases, the State of New Mexico was deprived of the right to determine the guilt or innocence of two individuals accused of serious crimes.

The foregoing violations are aggravated by the following facts: you are a public official and your conduct is a violation of public trust; the conduct in both cases occurred within a relatively short period of time indicating a pattern and practice of violations; you have refused to acknowledge the wrongful nature of your conduct and take responsibility for it, choosing instead to blame the alleged shortcomings of defense counsel for the situation in which you find yourself; you have, by your conduct, exhibited a lack of understanding of your obligations as a prosecutor; your conduct was intentional in that in both cases you considered whether or not pre-trial disclosure should be made and chose not to make disclosure and; you have substantial experience in the practice of law having been licensed in 1991.

The Board takes this opportunity to express concern over your unrepentant attitude exemplified by your attempts to cast blame on defense counsel by arguing that had they done a better job of preparing their cases, they would have discovered the information that you failed to disclose. You appear to be oblivious to your obligation to disclose exculpatory evidence under both the Rules of Professional Conduct and the Rules of Criminal Procedure. It is hoped that you will take these findings seriously, and that this Formal Reprimand will satisfy the primary concern of the disciplinary process, the protection of the public.

This Formal Reprimand will be filed with the Supreme Court in accordance with Rule 17-206(D), and will remain part of your permanent record 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.

The costs of this action in the amount of $2,326.78 are assessed against you and must be paid to the Disciplinary Board office on or before December 20, 2004.

The Disciplinary Board
Richard J. Parmley, Jr., Chair
PROPOSED AMENDMENTS TO THE MAGISTRATE, METROPOLITAN AND MUNICIPAL COURT RULES AND CIVIL FORMS

The Supreme Court is considering the amendment of the Magistrate Court and Metropolitan civil and criminal rules and civil forms. If you would like to comment on the proposed revisions set forth below, please send your written comments to:

Kathleen J. Gibson, Chief Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

Your comments must be received by the clerk on or before December 31, 2004 to be considered by the Court.

Almost identical amendments are proposed for Magistrate Court Rule 2-107 and Metropolitan Court Rule 3-107 NMRA. Rule 2-107 is printed below.

2-107. Pro se and attorney appearance.

* * *

(No amendments are proposed for Paragraphs A and B)

C. Attorney appearance. A party may appear, prosecute, defend and appeal any proceeding by an attorney. Whenever an attorney undertakes to represent a party, the attorney shall file a written entry of appearance showing the attorney’s name, address and telephone number. For the purpose of this rule, the filing of any pleading or paper signed by counsel constitutes an entry of appearance. If entry of appearance is made by the filing of a pleading on behalf of a party, the attorney shall set forth on the pleading the attorney’s address and telephone number.  

* * *

(No amendments are proposed for Paragraph D)

PROPOSED NEW CIVIL FORM 4-105

[For use with Magistrate Court Rule 2-108, Metropolitan Court Rule 3-108 NMRA]

STATE OF NEW MEXICO  
[COUNTY OF ]  
[CITY OF ]  
-court No.  

v.  

MOTION TO WITHDRAW AS COUNSEL ORDER APPROVING WITHDRAWAL  

(name of withdrawing attorney or firm) requests permission of the court to withdraw as counsel for the above named party. The reason for the withdrawal is (set forth reason for the withdrawal).

[My] [Our] client  

(check and complete applicable alternative)  

[ ] has consented to the withdrawal and has been notified of all pending court dates.  

[ ] has refused to agree to the withdrawal because (set forth reason given by client).  

[ ] could not be notified after the following attempts:  

A return receipt for certified or registered mail to my client’s last known address is attached to this motion.  

(check and complete applicable alternative)  

[ ] (name of attorney) is entering an appearance to represent the above named party  

[ ] (name of party) will appear pro se. The last known address of (name of party) is:  

(name of party)  

(mailing address)  

(city, county and zip code)  

(telephone number)  

Dated:  

Signed  

Name (print)  

Address (print)  

City, state and zip code (print)  

Telephone number  

Entry of appearance by new attorney  

Signed  

Name (print)  

Address (print)  

City, state and zip code (print)  

Telephone number  

Last known address of pro se party  

Signed  

Name (print)  

Address (print)  

City, state and zip code (print)  

Telephone number  

APPROVED:  

Attorney or pro se party  

Date  

CERTIFICATE OF SERVICE ON OPPOSING PARTY  

I hereby certify that on this day of  

, this motion was [mailed by United States mail, postage prepaid, and addressed to:  

Name:  

Address:  

City, State  

and zip code:  

(faxed by (name of person who faxed)  

to the above named person. The transmission was reported as complete and without error. The time and date of the transmission was (a.m.) (p.m.) on (date).]
transmitted)
[electronic address of recipient] which address is on file with the clerk of the Supreme Court. The transmission was successful. The time and date of the transmission was ________ (a.m.) (p.m.) on _____________________ (date).

Signature of attorney or party
Date of signature

CERTIFICATE OF SERVICE ON WITHDRAWING ATTORNEY’S CLIENT
I hereby certify that on this ____ day of ______________, ______ this motion was [e-mailed to ________________________ at __________________________, ______ which address is on file with the clerk of the Supreme Court. The transmission was successful. The time and date of the transmission was ________ (a.m.) (p.m.) on _____________________ (date).

Signature of attorney or party
Date of signature

WITHDRAWAL AND SUBSTITUTION OF ATTORNEY
[APPROVED] [DENIED]:

__________________________
Judge
Date

USE NOTE
1. This form may also be used for the substitution of counsel. Unless there is a new attorney representing the party, insert “none”. New counsel must also enter an appearance for the client.
2. Use only applicable alternative.

Almost identical amendments are proposed for Magistrate Court Rule 2-203 and Metropolitan Court Rule 3-203 NMRA. Rule 3-203 is printed below. See Rule 1-005 NMRA, as amended effective January 3, 2005, for the comparable District Court Civil rule.

3-203. Service and filing of pleadings and other papers.
A. Service; when required. [Unless the court otherwise orders] Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint, every order not entered in open court, every paper relating to discovery required to be served upon a party, unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. Service on a party is not required if:

(1) the party is in default for failure to appear except that pleadings asserting new or additional claims for relief against [a party] them shall be served upon [all parties] them in the manner provided for service of summons in Rule 3-202 NMRA; or

(2) the party unconditionally admits to all of the allegations of the complaint prior to entry of a judgment on the pleadings.

B. Service; how made. [When] Whenever under these rules service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to the attorney or party, or by mailing [H] a copy to the attorney or party at the attorney’s or party’s last known address, or, if no address is known, by leaving it with the clerk of the court. Service by mail is complete upon mailing.

C. Definitions. As used in this rule:

(1) “delivery of a copy” [within this rule] means:

[+] (a) handing it to the attorney or to the party;

[2](b) sending a copy by facsimile or electronic transmission when permitted by Rule [2-203.1] 3-204 NMRA or Rule [2-202.2] 3-205 NMRA;

[3](c) leaving it at the attorney’s or party’s office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place [in the office] therein; or

[4](d) if the [attorney’s or] party cannot be served at the office of the party’s attorney or at the office of the party because the party’s office is closed or the [person] party to be served has no office, the party may be served by leaving it at the [person’s] party’s dwelling house or usual place of abode with some person of suitable age and discretion then residing [there; or] therein

[5] placing a copy in a box maintained by the attorney for purposes of serving the attorney; and

(2) “mailing a copy” means sending a copy by first class mail with proper postage.

[6] D. Filing; certificate of service. All papers after the complaint[,] required to be served upon a party, together with a certificate [or affidavit] of service indicating the date and method of service, shall be filed with the court within a reasonable time after service, except that the following papers shall not be filed unless on order of the court or for use in the proceeding:

(1) summonses without completed returns;

(2) subpoenas without completed returns;

(3) offers of settlement when made.

Except for the papers described in Subparagraph (1) of this paragraph, the attorney or party, if the party is unrepresented, shall file a certificate of service with the court within a reasonable time after service, indicating the date and method of service of any paper not filed with the court.

[7] E. Filing with the court defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note on the form the filing date and forthwith transmit them to the office of the clerk. “Filing” shall include filing a facsimile copy or filing an electronic copy as may be permitted pursuant to Rule [2-203.1] 3-204 NMRA or Rule
A paper filed by electronic means in compliance with Rule 2-203.1 3-205 NMRA constitutes a written paper for the purpose of applying these rules. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules.

E. Facsimile copy filed by an intermediary agent. Facsimile copies of pleadings or papers filed in person by an intermediary agent are not subject to the restrictions of Paragraph D of this rule.

F. Time of filing. If facsimile transmission of a pleading or paper [faxed directly to] is begun before the close of the business day of the court in which it is being filed, it will be considered filed on that date. If facsimile transmission is begun after the close of business, the pleading or paper will be considered filed on the next court business day. For any questions of timeliness, the time and date affixed on the cover page by the court’s facsimile machine will be determinative.

G. [Transmission] Service by facsimile. [A notice, order, writ, pleading or paper may be faxed to] Any document required to be served by Paragraph A of Rule 2-204 NMRA may be served on a party or attorney [who] by facsimile transmission if the party or attorney has:

(1) listed a facsimile telephone number on a pleading or paper filed with the court in the action;
(2) a letterhead with a facsimile telephone number; or
(3) agreed to be served with a copy of the pleading or paper by facsimile transmission.

Service by facsimile is accomplished when the transmission of the pleading or paper is completed.

H. [Proof of service by facsimile. Proof of facsimile service must include:

(1) a statement that the pleading or paper was transmitted by facsimile transmission and that the transmission was reported as complete and without error;
(2) the time, date and sending and receiving facsimile machine telephone numbers; and
(3) the name of the person who made the facsimile transmission.

I. Demand for original. A party shall have the right to inspect and copy any pleading or paper that has been filed or served by facsimile transmission if the pleading or paper has a statement signed under oath or affirmation or penalty of perjury.

J. Conformed copies. Upon request of a party, the clerk shall stamp additional copies provided by the party of any pleading filed by facsimile transmission.

Almost identical amendments are proposed for Magistrate Court Rule 2-204 and Metropolitan Court Rule 3-204 NMRA. Rule 3-204 is printed below. See Rule 1-005.1 NMRA, as amended effective January 3, 2005, for the comparable District Court Civil rule.

3-204. Service and filing of pleadings and other papers by facsimile.

A. Facsimile copies permitted to be filed. Subject to the provisions of this rule, a party may file a facsimile copy of any pleading or paper by faxing a copy directly to the court or by faxing a copy to an intermediary agent who files it in person with the court. A facsimile copy of a pleading or paper has the same effect as any other filing for all procedural and statutory purposes. The filing of pleadings and other papers with the court by facsimile copy shall be made by faxing them to the clerk of the court at a number designated by the clerk, except if the paper or pleading is to be faxed to the judge, the judge may permit the papers to be faxed to a number designated by the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. Each magistrate district shall designate one or more telephone numbers to receive fax filings.

B. Facsimile [transmission] service by court of notices, orders or writs. Facsimile [transmission] service may be used by the court for issuance of any notice, order or writ. The clerk shall note the date and time of successful transmission on the file copy of the notice, order or writ.

C. Paper size and quality. No facsimile copy shall be filed with the court unless it is: on plain paper eight and one-half by eleven (8 1/2 x 11) inches in size; legible; and typewritten or printed using a pica (10 pitch) type style or a twelve (12) point typeface. The right, left, top and bottom margins shall be at least one (1) inch. The pages shall be consecutively numbered at the bottom.

D. Filing pleadings or paper [faxed directly to the court] by facsimile. A pleading or paper may be [faxed directly to] filed with the court by facsimile transmission if:

(1) a fee is not required to file the pleading or paper;
(2) only one copy of the pleading or paper is required to be filed;
(3) unless otherwise approved by the court, the pleading or paper is not more than ten (10) pages in length excluding the facsimile cover page; and
(4) the pleading or paper to be filed is preceded by a cover sheet with the names of the sender and the intended recipient, any applicable instructions, the voice and facsimile telephone numbers of the sender, an identification of the case, the docket number and the number of pages transmitted.

E. Facsimile copy filed by an intermediary agent. Facsimile copies of pleadings or papers filed in person by an intermediary agent are not subject to the restrictions of Paragraph D of this rule.

F. Time of filing. If facsimile transmission of a pleading or paper [faxed directly to] is begun before the close of the business day of the court in which it is being filed, it will be considered filed on that date. If facsimile transmission is begun after the close of business, the pleading or paper will be considered filed on the next court business day. For any questions of timeliness, the time and date affixed on the cover page by the court’s facsimile machine will be determinative.

G. [Transmission] Service by facsimile. [A notice, order, writ, pleading or paper may be faxed to] Any document required to be served by Paragraph A of Rule 2-204 NMRA may be served on a party or attorney [who] by facsimile transmission if the party or attorney has:

(1) listed a facsimile telephone number on a pleading or paper filed with the court in the action;
(2) a letterhead with a facsimile telephone number; or
(3) agreed to be served with a copy of the pleading or paper by facsimile transmission.

Service by facsimile is accomplished when the transmission of the pleading or paper is completed.

H. [Proof of service by facsimile. Proof of facsimile service must include:

(1) a statement that the pleading or paper was transmitted by facsimile transmission and that the transmission was reported as complete and without error;
(2) the time, date and sending and receiving facsimile machine telephone numbers; and
(3) the name of the person who made the facsimile transmission.

I. Demand for original. A party shall have the right to inspect and copy any pleading or paper that has been filed or served by facsimile transmission if the pleading or paper has a statement signed under oath or affirmation or penalty of perjury.

J. Conformed copies. Upon request of a party, the clerk shall stamp additional copies provided by the party of any pleading filed by facsimile transmission.
Any document required to be served by Paragraph A of Rule 2-203 NMRA may be served on a party or attorney by electronic transmission of the document if the party or attorney has agreed to be served with pleadings or papers by electronic mail. Electronic service is accomplished when the transmission of the pleading or paper is completed. If within two (2) days after service by electronic mail, a party served by electronic mail notifies the sender of the electronic mail that the pleading or paper cannot be read, the pleading or paper shall be served by any other method authorized by Rule 2-203 NMRA designated by the party to be served.

C. [Electronic] Service by electronic transmission by the court. The court may [send] serve any document by electronic transmission to an attorney who [registered] or party pursuant to Paragraph B of this rule and to any other person who has agreed to receive documents by electronic transmission.

D. Filing by electronic transmission. Documents may be filed with the court by electronic transmission in accordance with this rule and any technical specifications for electronic transmission:

(1) in any court that has adopted technical specifications for electronic transmission;
(2) if a fee is not required or if payment is made at the time of filing.

E. Single transmission. Whenever a rule requires multiple copies of a document to be filed only a single transmission is necessary.

[F.] Service by electronic transmission. Service pursuant to Rule 2-203 of these rules may be made by electronic transmission on any attorney who has registered pursuant to Paragraph B of this rule and on any other person who has agreed to service in this manner.

[G.] Time of filing. For purposes of filing by electronic transmission, a “day” begins at 12:01 a.m. and ends at midnight. If electronic transmission of a document is received before midnight on the day preceding the next business day of the court it will be considered filed on the immediately preceding business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative.

[H.] Demand for original. A party shall have the right to inspect and copy any document that has been filed or served by electronic transmission if the document has a statement signed under oath or affirmation or penalty of perjury.

[I.] Proof of service. Proof of service by electronic transmission shall be made to the court by a certificate of an attorney or affidavit of a non-attorney and shall include:
(1) the name of the person who sent the document;
(2) the time, date and electronic address of the sender;
(3) the electronic address of the recipient;
(4) a statement that the document was served by electronic transmission and that the transmission was successful.

H. Conformed copies. Upon request of a party, the clerk shall stamp additional copies provided by the party of any pleading filed by electronic transmission.

Almost identical amendments are proposed for Magistrate Court Rule 2-301 and Metropolitan Court Rule 3-301 NMRA. Rule 2-301 is printed below.

2-301. Pleadings allowed; motion; signing of pleadings, motions and other papers; sanctions.

A. Pleadings. There shall be a complaint and, if the defendant wishes to contest the plaintiff’s claim in any way, an answer. The answer may assert a counterclaim or a setoff. If a counterclaim is filed, a reply [may] shall be filed and served on each party within twenty (20) days. The complaint may interplead two (2) or more persons who have or may have a claim to funds owed by the plaintiff.

B. Joinder of claims. A party asserting a claim [to] for relief may join either as independent or as alternate claims as many claims as the party may have against an opposing party.

C. Permissive joiner. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of related transactions or occurrences and if any question of law or fact common to all of them will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence or related series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action.

D. Third-party practice. [Any defending party may cause a summons and complaint to be served upon a person not a party to the action, who is or may be liable to the third-party plaintiff for all or part of the plaintiff’s claim against the third-party plaintiff, by filing a third-party complaint. The third-party plaintiff need not obtain leave to make service if the third-party plaintiff files the third-party complaint not later than ten (10) days after he serves his original answer. The third-party defendant shall respond to the third-party complaint in the same manner as if it were an original proceeding. Notwithstanding the provisions of any other rule, failure to file a third-party complaint shall constitute a waiver or forfeiture of any party’s rights or claims, and shall such failure preclude the joinder of separate causes of action, as may otherwise be provided for in these rules.] Within ten (10) days after service of a defendant’s answer on the plaintiff, a defendant may file a third-party complaint against any person who is or may be liable to the defendant for all or part of the plaintiff’s claim against the defendant. A third-party complaint shall be served on the third-party defendant in the manner provided by Rule 2-202 NMRA of these rules. A copy of the third-party complaint shall be served on all other parties pursuant to Rule 2-203, 2-203.1 or 2-204 NMRA of these rules. Upon motion and hearing the court may permit a defendant to file a third-party complaint at any time prior to trial.

E. Interpleader. Persons having claims for funds [from a third party] against the plaintiff may be named as defendants and required to adjudicate their claims for the funds when their claims are such that the plaintiff is or may be exposed to double or multiple liability. A defendant exposed to similar liability for funds may adjudicate the right to funds by third-party complaint, cross-claim or counterclaim. Any person who is named as a defendant or third-party defendant pursuant to this paragraph shall file an answer within the time set forth in these rules setting forth the facts and circumstances giving rise to such person’s claim and why such person is entitled to the funds owed by the plaintiff. The disposition of the proceedings shall be binding upon all parties to the action upon whom service has been made.

F. Separate trials. The court may make such orders as will prevent a party from being embarrassed, delayed or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent delay or prejudice.

G. [Motions. Written motions are not allowed except when
Almost identical new Magistrate Court Rule 2-307 and Metropolitan Court Rule 3-307 NMRA are proposed. Proposed new Rule 2-307 is printed below.

PROPOSED NEW RULE

A. Defenses and objections which may be raised. Any matter that is capable of determination without trial of the general issue, including defenses and objections, may be raised before trial by motion. All motions shall state with particularity the grounds and the relief sought.

B. Requirement of written motion. All motions, except motions made during a pretrial conference or trial, or as may be permitted by the court, shall be in writing. A copy of every written motion shall be served on each party or the party’s attorney as required by these rules.

C. Unopposed motions. If both parties are represented by attorneys, prior to filing a written motion, the moving party shall recite that concurrence of opposing counsel was requested or shall specify why no such request was made. The movant shall not assume that the nature of the motion obviates the need for concurrence from opposing counsel unless the motion is a:

(1) motion to dismiss;
(2) motion for new trial;
(3) motion for judgment on the pleadings.

D. Opposed motions. A motion filed by a party in a case in which the opposing party is represented by an attorney shall recite that concurrence of opposing counsel was requested or shall specify why no such request was made. The movant shall not assume that the nature of the motion obviates the need for concurrence from opposing counsel unless the motion is a:

(1) motion to dismiss;
(2) motion for new trial;
(3) motion for judgment on the pleadings.

E. Notice and hearing. No written motion shall be considered by the court unless served on each party or the party’s attorney as required by these rules.

PROPOSED NEW CIVIL FORM 4-112
[For use with Magistrate Court Civil Rule 2-307 NMRA]
[and Metropolitan Court Civil Rule 3-307 NMRA]

STATE OF NEW MEXICO
IN THE __________ COURT
________ COUNTY

 assigned judge: _______________________

No. __________

v.

Defendant

Plaintiff

REQUEST FOR HEARING

Assigned judge: _______________________

Matters to be heard: _______________________

Hearings presently set: _______________________

Time requested by plaintiff: _______________________

Time requested by defendant: _______________________

(Provide names and addresses of parties who need to be notified -- attach a list if necessary.)

Hearing requested by:

Signature

Printed name: _______________________

Address:

________________________

Telephone:

CERTIFICATE OF SERVICE

I hereby certify that on this ______ day of ______, ______, this ______ (insert paper served, such as “answer” or “notice”) was [mailed by United States first class mail, postage prepaid, and addressed to: _______________________]
PROPOSED NEW CIVIL FORM 4-113
[For use with Magistrate Court Civil Rule 2-307 NMRA and Metropolitan Court Civil Rule 3-307 NMRA]
STATE OF NEW MEXICO
IN THE __________________ COURT

COUNTY

No. __________
v. _______________, Plaintiff

Defendant

NOTICE OF HEARING

The Honorable _______________ will hear the above cause in the _______________ County courthouse located at _______________ (street) in room _______________ on _______________ day of _______________, at _______________ (a.m.) (p.m.). _______________ (minutes) (hours) is allotted for the hearing on _______________.

Notice [mailed] [delivered] [faxed] on _______________ day of _______________, _______________.

Judge _______________

USE NOTES

1. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-303 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.

2. Specify the matters to be heard.

4-221
[For use with Magistrate Court Rules 2-203, 2-204, 2-205 and Metropolitan Court Rules 3-203, 3-204, 3-205]

CERTIFICATE OF SERVICE

I hereby certify that on this _______________ day of _______________, _______________, the _______________ (date) service by delivery was made. See Use Note 1 for the methods service may be made using this alternative.

__________________________
Date of signature

USE NOTES

1. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-303 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.

2. Specify the matters to be heard.

4-221
[For use with Magistrate Court Rules 2-203, 2-204, 2-205 and Metropolitan Court Rules 3-203, 3-204, 3-205]

CERTIFICATE OF SERVICE

I hereby certify that on this _______________ day of _______________, _______________, the _______________ (date) service by delivery was made. See Use Note 1 for the methods service may be made using this alternative.

__________________________
Date of signature

USE NOTES

1. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-303 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.

2. Specify the matters to be heard.

4-221
[For use with Magistrate Court Rules 2-203, 2-204, 2-205 and Metropolitan Court Rules 3-203, 3-204, 3-205]
ANSWER TO CIVIL COMplaint
1. The Plaintiff is not entitled to the amount claimed because:

or
1. The personal property claimed by Plaintiff should not be turned over to Plaintiff because:

2. (If applicable) Defendant asserts the following counterclaim or set-off against Plaintiff:

3. Trial by jury is (not) demanded. (If Plaintiff has already demanded trial by jury, as indicated in the complaint, a jury will be provided automatically and you need not fill in this item. If Plaintiff has not demanded trial by jury, you may do so here, but if you do you must pay an additional cost upon filing this answer.)

CERTIFICATE OF SERVICE
I hereby certify that on this day of ,
this [insert paper served, such as “answer” or “notice”) was
[mailed by United States first class mail, postage prepaid, and addressed to:]
Name:
Address: City, State and zip code:
[mailed by Electronic Delivery System (e.g., e-mail)]
faxed document to recipient) at (telephone number). The transmission was reported as complete. The time and date of the transmission was (a.m.) (p.m.) on
(date).

USE NOTES
1. This Answer must be filed with the court on or before the date set in the Summons.
2. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-203 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.
NOTICE OF DISMISSAL OF COMPLAINT

Plaintiff hereby dismisses plaintiff’s complaint without prejudice.

[Plaintiff] [Defendant] requests the court to dismiss the above cause of action for the following reason: ____________________________.

(Plaintiff) (Defendant)

ORDER

This matter having come on for hearing on the motion of [Plaintiff] [Defendant] and the court having considered the argument presented, finds that:

[ ] the motion should be denied.

[ ] the above cause of action should be dismissed (with) (without) prejudice.

IT IS ORDERED that:

[ ] the motion to dismiss the action is denied.

[ ] this action is dismissed (with) (without) prejudice.

____________________ (date)____________________

Judge

USE NOTE

1. A copy of this motion must be served on the other party or, if represented by an attorney, on the attorney for the other party not less than eight (8) days before the time fixed for the hearing.

PROPOSED NEW CIVIL FORM 4-306B
[General Form for Use in Magistrate or Metropolitan Court]

STATE OF NEW MEXICO
COUNTY OF ______________

________________________________, Plaintiff

v.

________________________________, Defendant

MOTION FOR PRODUCTION

[Plaintiff] [Defendant] asks the court to order the other party to produce for inspection and copying the following items of evidence:

__________________________________________________.
[Plaintiff] (Defendant)

CERTIFICATE OF SERVICE;
I hereby certify that on this day of __________, ______, a copy of the motion [mailed by United States first class mail, postage prepaid, and addressed to:]
Name: __________________________________________
Address: _________________________________________
City, State and zip code: ______________________________
[mailed by United States first class mail, postage prepaid, and addressed to:]
Name: __________________________________________
Address: _________________________________________
City, State and zip code: ______________________________
[faxed by __________________________ (name of person who faxed document) to ______________________ (name of recipient) at ______________________ (telephone number). The transmission was reported as complete. The time and date of the transmission was ________ (a.m.) (p.m.) on ______________ (date).]
[e-mailed to ______________________ (name of party or attorney) at ______________________ (electronic mail address of recipient) upon agreement of the party to accept electronic service. The transmission was reported as complete. The time and date of the transmission was ________ (a.m.) (p.m.) on ______________ (date).]
[delivered to __________________________ (Specify how service by delivery was made. See Use Note 1 for the methods service may be made using this alternative.)]
______________________________________________
Signature of person sending paper
Date of signature

USE NOTE

1. A copy of this motion must be [mailed to] served on the other party or the attorney for the other party not less than eight (8) days before the time fixed for the hearing.

4-704.
[Sections 47-8-42 and 47-8-46 NMSA 1978]
STATE OF NEW MEXICO
COUNTY OF __________ COURT
No. __________

v. __________________________________________
No. __________

PETITION BY OWNER FOR RESTITUTION
(Uniform Owner-Resident Relations Act)
The plaintiff alleges:
1. Plaintiff is lawfully entitled to possession of the premises located at:
__________________________________________, New Mexico ____________
2. Defendant entered into possession of the premises under a rental agreement and has breached the terms of the agreement, as follows:
__________________________________________.
3. Plaintiff gave written notice of
   [ ] termination
   [ ] breach of the rental agreement
to defendant on ________________, (date), and defendant has failed to remedy the breach. __________.

A copy of the written notice is attached as [Exhibit B] Exhibit A.

(check and complete if applicable)
[ ] 4. Defendant is indebted to plaintiff in the sum of $_________ for unpaid rent, plus $_________ rent per day to date of restitution, plus damages as determined by the court.

[ ] 5. Plaintiff holds $_________ of defendant as a damage deposit under the rental agreement.

[ ] 6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:
1. Immediate possession of the premises;
2. Unpaid rent of $__________, plus $__________ per day to date of restitution;
3. Damages as may be determined by the court;
4. Costs of this action;
5. Reasonable attorneys fees;
   [check only if applicable]
[ ] 6. A civil penalty as provided by law;
7. Other such relief as the court may deem reasonable.

Dated: ____________________

Signed
Name (print)_________________________
Address (print)_______________________
City, state and zip code (print)_________________
Telephone number ________________________

USE NOTES
1. If the leased premises is an apartment, include the name of the apartments and the apartment number.
2. The owner must bring a copy of any written rental agreement to court for the hearing on the petition for restitution.

4-906
[Sections 47-8-42, 47-8-43, 47-8-46 NMSA 1978]
STATE OF NEW MEXICO
COUNTY OF _______ COURT

No. _______________. Plaintiff

v. _______________, Defendant

PETITION BY RESIDENT FOR [RELIEF] POSSESSION
(Uniform Owner-Resident Relations Act)

The plaintiff alleges:
1. Plaintiff is lawfully entitled to possession of the premises located at:

_______________________________________. New Mexico _________.

2. [Defendant] Plaintiff [have] is entitled to possession of the premises under a rental agreement and the defendant is now in default under the terms of such agreement by excluding plaintiff

from the premises or otherwise interfering with plaintiff’s right to occupy the premises, as follows:

_______________________________________.

3. Defendant owes plaintiff damages as may be determined by the court.
4. Plaintiff delivered written notice of breach of the rental agreement to defendant on ________________, (date) and defendant has failed to remedy the breach. (A copy of the notice is attached as Exhibit A.)
5. Defendant holds $_________ of plaintiff’s money under the rental agreement.
6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:
1. Immediate possession of the premises;
2. [The return of $ __________ of the plaintiff’s money being held by the defendant;]
   [ ] 3. Damages as may be determined by the court;
   [ ] 4. Costs of this action;
   [ ] 5. Reasonable attorneys fees;
   [ ] 6. A civil penalty as provided by law;
   [ ] 7. Such other relief as the court may deem reasonable.

Dated: ____________________

Signed
Name (print)_________________________
Address (print)_______________________
City, state and zip code (print)_________________
Telephone number ________________________

USE NOTE
This petition may be only used for cases in which the resident is excluded from the dwelling unit or the landlord is interfering with the resident’s right to occupy the premises. It should not be used when the resident primarily seeks monetary relief. This petition is to be scheduled for hearing within ten (10) days after it is filed.

PROPOSED NEW CIVIL FORM 4-906A
[Sections 47-8-42, 47-8-43, 47-8-46 NMSA 1978]
STATE OF NEW MEXICO
COUNTY OF _______ COURT

No. _______________. Plaintiff

v. _______________, Defendant

COMPLAINT BY RESIDENT FOR RETURN OF DEPOSIT
(Uniform Owner-Resident Relations Act)

The plaintiff alleges:
1. Plaintiff entered into a rental agreement with Defendant for property located at

_______________________________________. New Mexico _________.

2. [Defendant] Plaintiff [have] is entitled to possession of the premises under a rental agreement and the defendant is now in default under the terms of such agreement by excluding plaintiff

from the premises or otherwise interfering with plaintiff’s right to occupy the premises, as follows:

_______________________________________.

3. Defendant owes plaintiff damages as may be determined by the court.
4. Plaintiff delivered written notice of breach of the rental agreement to defendant on ________________, (date) and defendant has failed to remedy the breach. (A copy of the notice is attached as Exhibit A.)
5. Defendant holds $_________ of plaintiff’s money under the rental agreement.
6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:
1. Immediate possession of the premises;
2. [The return of $ __________ of the plaintiff’s money being held by the defendant;]
   [ ] 3. Damages as may be determined by the court;
   [ ] 4. Costs of this action;
   [ ] 5. Reasonable attorneys fees;
   [ ] 6. A civil penalty as provided by law;
   [ ] 7. Such other relief as the court may deem reasonable.

Dated: ____________________

Signed
Name (print)_________________________
Address (print)_______________________
City, state and zip code (print)_________________
Telephone number ________________________

USE NOTE
This petition may be only used for cases in which the resident is excluded from the dwelling unit or the landlord is interfering with the resident’s right to occupy the premises. It should not be used when the resident primarily seeks monetary relief. This petition is to be scheduled for hearing within ten (10) days after it is filed.
2. As part of the rental agreement, plaintiff delivered to defendant one or more deposits totaling $___________.
3. Plaintiff vacated the above premises on ___________ (date), and defendant retained all of part of plaintiff’s deposit.
4. Defendant
(check one)
[ ] mailed written notice to plaintiff of the amounts deducted from plaintiff’s deposit within thirty (30) days after the date plaintiff vacated the premises or the date the rental agreement terminated. A copy of the notice is attached as Exhibit A of this complaint.
[ ] did not mail written notice to plaintiff of the amounts deducted from plaintiff’s deposit within thirty days of the date plaintiff vacated the premises or the date the rental agreement terminated.
5. Defendant kept the following amount of the deposit: $___________.
6. Plaintiff is asking for the return of the following amount: $___________.

Plaintiff requests judgment against defendant, as follows:
1. Damages as may be determined by the court;
2. Costs of this action;
3. Reasonable attorneys fees;
4. A civil penalty if provided by law;
5. Such other relief as the court may deem reasonable.

Dated: ____________________

Signed
________________________________________
Name (print)
________________________________________
Address (print)
________________________________________
City, state and zip code (print)

Telephone number

USE NOTE
1. This form is used for cases in which the resident is claiming a return of deposit. A complaint for return of deposit is not required to be heard within ten (10) days.
2. See Paragraph E of Section 47-8-18 NMSA for civil penalty.

Almost identical amendments are proposed for Magistrate Court Rule 6-601 and Metropolitan Court Rule 7-601 NMRA and Municipal Court Rule 8-601 NMRA. Rule 6-601 is printed below.

6-601. Conduct of trials.

A. Continuances. Continuances shall be granted for good cause shown at any stage of the proceedings.

B. Evidence. Evidence shall be admitted in accordance with the New Mexico Rules of Evidence. The trial shall be conducted expeditiously, but each party shall be permitted to present [his] the position of that party amply and fairly.

C. Oath of witnesses. The [magistrate] court shall administer [the following] an oath or affirmation to each witness substantially in the following form: “Do you solemnly swear or affirm that the testimony you give is the truth, the whole truth and nothing but the truth, under penalty of perjury?”

D. [transcription] Record of proceedings. With prior approval of the judge, a party in a magistrate court proceeding or any person with a claim arising out of the same transaction or occurrence giving rise to the magistrate court proceeding may, at the party’s or person’s expense, make a [transcription] record of the testimony in the magistrate court proceeding. Any person causing a [transcription] record of testimony to be made pursuant to this rule shall make a copy of the transcription available to all parties in the magistrate court proceeding.

E. Use at trial. A [transcription] record of the testimony [in the magistrate court] of a witness may only be used in the magistrate court in:

(1) civil proceedings when permitted by [Paragraph A of Rule 1-032 NMRA or] the Rules of Civil Procedure for the [District] Magistrate Courts; and
(2) criminal proceedings [when permitted by Paragraph N of Rule 5-503 of the Rules of Criminal Procedure for the District Courts and may not otherwise be broadcast or reproduced] if it is admissible under the Rules of Evidence.

F. Form of record.

(1) If the record is a stenographic or voice to print real time transcript, the court reporter shall transcribe the record prior to use in the magistrate court.
(2) If the record is an audiotape or videotape recording made pursuant to this rule, the person seeking to use the record in the magistrate court pursuant to this rule shall be responsible for having available appropriate playback equipment and an operator.
(3) If only part of the record of the proceedings is offered in evidence, any adverse party may require the offeror to offer any other part relevant to the part offered, and any party may introduce any other parts, subject to the Rules of Evidence.

G. Copies. At the request of any party to the proceeding or the deponent, a person who makes an audio or video record of testimony in the magistrate court shall:

(1) permit any other party or the deponent to review a copy of the audiotape or videotape and the original exhibits, if any; and
(2) furnish a copy of the audiotape or videotape in the format in which it was recorded to the requesting party on receipt of payment of the reasonable cost of making the copy.

H. Definition. As used in this rule, “record” means:

(1) stenographic notes which must be transcribed prior to use pursuant to this rule;
(2) a realtime voice-to-print recording which must be transcribed prior to use pursuant to this rule;
(3) a statement of facts stipulated to by the parties; or
(4) any audio or video recording.
State Bar of New Mexico and the Center for Civic Values present…

CLASSROOM LAW PROJECT

CLASSROOM LAW PROJECT is a partnership program of the State Bar of New Mexico’s Public & Legal Services Department and the Center for Civic Values. We need volunteer attorneys for the 2005 partnership program. Training/orientation workshops for attorneys will be conducted on Tuesday, January 11, 2005, from 4:30 p.m. to 6:30 p.m. and Wednesday, January 19, 2005, from 2:00 p.m. to 4:00 p.m. at the State Bar of New Mexico, 5121 Masthead NE in Albuquerque.

• Volunteer lawyers are paired with classroom teachers to meet the following goals:
  ✓ to promote students’ recognition of the impact of the law in their daily lives;
  ✓ to increase students’ awareness of their rights and responsibilities as citizens; and,
  ✓ to expand students’ knowledge and appreciation of the legal system of the United States.

• Lawyers collaborate with teachers to make presentations at the grade level and pilot school they have chosen to volunteer.

• The amount of time a lawyer commits is flexible. Participants are encouraged to meet with their partner classes a minimum of three times during the school year.

Please complete the attached form and return by Wednesday, January 5, 2005 to the State Bar of New Mexico, Public & Legal Services Dept, Attention Chris Joseph, P O Box 92860, Albuquerque, NM 87199 or fax to: 797-6074. If you have any questions call Chris Joseph at (505) 797-6054 or email cjoseph@nmbar.org

CLASSROOM LAW PROJECT - ALBUQUERQUE

Attorney Registration Form-2005

Name ____________________________

Address ____________________________ Email address ____________________________

Telephone ____________________________ ____________________________

Work Number Home Number

Please register me for the Classroom Law Project. I will attend the training/orientation indicated below:

☐ Tuesday, January 11, 2005, training from 4:30 p.m. to 6:30 p.m.

☐ Wednesday, January 19, 2005, training from 2:00 p.m. to 4:00 p.m.

Please SELECT the Pilot School you would be interested in assisting with:

<table>
<thead>
<tr>
<th>CIBOLA CLUSTER</th>
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<th>DEL NORTE CLUSTER</th>
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<tbody>
<tr>
<td>☐ Cibola High School</td>
<td>☐ 7 Bar Elementary</td>
<td>☐ Sierra Vista Elementary</td>
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<tr>
<td>☐ Taylor Middle School</td>
<td>☐ Chamiza Elementary</td>
<td>☐ Marie M. Hughes Elementary</td>
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<td>☐ L.B. Johnson Middle School</td>
<td>☐ Petroglyph Elementary</td>
<td>☐ Corrales Elementary</td>
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<td>☐ James Monroe Middle School</td>
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| ☐ Del Norte High School | ☐ E. G. Ross Elementary | ☐ Hodggin Elementary |
| ☐ Cleveland Middle School | ☐ Bel-Air Elementary | ☐ Arroyo Del Oso Elementary |
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* Circle the grade level you are interested in assisting with: 1 2 3 4 5 6 7 8 9 10 11 12
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Program Schedule

8:00 a.m.    Check-In/Registration
8:30 a.m.    New Mexico Insurance Law: The Year That Was
Maureen Sanders, Esq.
9:25 a.m.     Medical Malpractice
Terry Word, Esq.
10:05 a.m.   Loss of Consortium – New Developments and Strategies
Joel Newton, Esq.
10:45 a.m.   Practical Problems in Ethics
Lawyer Panel
11:35 a.m.   Adjourn

ADDITIONAL OPTION (Video Taped 11/19/04)
12:30 noon
Practical Problems in Professionalism
♦ Scenarios
♦ Short Discussion of Big Issues
♦ What Flies and Doesn’t in Arguments before the District Court
Lawyer Panel
Judges Panel
1:40 p.m. - Adjourn

Program Chairs:
Bryan Query, Esq. - Albuquerque
Scott Voorhees, Esq. – Santa Fe
TBA – Las Cruces

SEMINAR REGISTRATION

Please return to: NM Trial Lawyers Foundation, PO Box 301, Albuquerque, NM  87103
For more information: Call: 243-6003 or Visit: www.nmtla.org

Albuquerque – UNM Continuing Education Conference Center, 1634 University NE
Santa Fe – Ghost Ranch in Santa Fe, 401 Old Taos Highway
Las Cruces – Dona Ana Community College – NMSU Campus Main Bldg., 3400 South Espina

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☐ Program Only (8:30 –11:35 a.m.)…………………………………………………………………….$  70.00
☐ Program (8:30 – 11:35 a.m.) PLUS Professionalism Option (12:00 – 1:40 p.m.)………………..$110.00
☐ Professionalism Option Only (12:00 – 1:40 p.m.)………………………………………..$  50.00

I am a NON MEMBER ATTORNEY and want to register for the:
☐ Program Only (8:30 –11:35 a.m.)……………………………………………………………………..$  95.00
☐ Program (8:30 – 11:35 a.m.) PLUS Professionalism Option (12:00 – 1:40 p.m.)…………………..$135.00
☐ Professionalism Option Only (12:00 – 1:40 p.m.)……………………………………………………$  60.00

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The University of New Mexico
SCHOOL OF LAW
Calendar of Events

JANUARY
5 Alumni Reception
San Francisco
6:00 – 8:00 PM
*San Francisco Hilton
*subject to change

FEBRUARY
3 Valencia County
Meet the Dean
La Luna Mansion
5:30 – 7:30 PM
Los Lunas
110 Main St

For more information please call
Herb Wright, (505) 277-1038
Reminder for NM Attorneys

- Complete 12 general, 1 ethics and 2 professionalism credits by December 31, 2004.
- Include $1 per credit hour filing fee with individual credit submissions. Make checks payable to MCLE.
- Avoid non-compliance sanctions—$100 for initial sanction and $250 second sanction assessed for non-compliance! Finish requirements by December 31, 2004.

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Bar Bulletin
Holiday Submission Deadlines

The Bar Bulletin will be on an abbreviated production schedule for the Dec. 23 and Dec. 30 issues due to holiday closures. Advertising deadlines will be Dec. 14 for the Dec. 23 issue and Dec. 21 for the Dec. 30 issue. Contact the account executive at (505) 797-6058, mulibarri@nmbar.org, for more information.

CLASSIFIED

Attorney
The New Mexico Environmental Law Center, a non-profit public interest law office, seeks an attorney with up to three years of experience to represent New Mexico community and environmental groups and Pueblos in their efforts to protect the environment. The position involves litigating before state and federal administrative agencies and in state and federal courts. New Mexico bar membership preferred. Salary DOE; generous benefits. Send applications (a resume, writing sample, and three references) to Allison Dellinger at nmelc@nmelc.org or to Suite 5, 1405 Luisa Street, Santa Fe, N.M. 87505. Applications must be received by 5:00 p.m. on December 17, 2004. Telephone inquiries discouraged. The Law Center is an equal opportunity employer; women and minorities are encouraged to apply. www.nmenvirolaw.org.

Associate Attorney
Cadigan Law Firm, P.C. is seeking an associate attorney with 1-5 years experience for civil litigation practice. Will consider full time, part time or independent contractor. Fax resume to 830-2385 or mail to P.O. Box 7718, Albuquerque, NM 87194-7718

Lawyer
Santa Fe

Santa Fe small firm seeks Experienced NM Lawyer (ca. 1-3 yr.) small firm specializing in commercial, M&A, business, corporate, real estate, finance, labor, and related litigation. No DR, Criminal, Tort work. Must be mature, bright, aggressive, hard working with excellent writing and briefing skills. One who will be a “natural” with business clients. An MBA or CPA is a plus. Non-smoking office. EOE. Please send CV and cover letter to: The Frith Firm, Attn: Managing Attorney, 120 East Marcy Ste 4, Santa Fe, New Mexico 87501.

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Plaintiffs’ personal injury and commercial litigation firm seeks 1st to 3rd year lawyer for immediate employment in its Santa Fe office. Must be licensed in New Mexico. Please fax resume to (505) 986-0600 or send via e-mail to robins@heardrobins.com.

Experienced Litigator
Rosenfelt, Buffington & Borg, PA, an established six attorney plaintiffs’ personal injury/medical malpractice/Indian law firm, with its main office in Albuquerque and branch offices in Gallup and Shiprock, seeks to assure the long term continuity of its successful practice through the addition of a potential new shareholder or through merger. The firm practices in the courts of Arizona, New Mexico and the Navajo Nation. If interested visit www.rbblaw.com and contact Dan Rosenfelt, Managing Director at 1805 Carlisle, NE in Albuquerque.
Attorney
Sandia National Laboratories is one of the country's largest research facilities, employing nearly 8,400 people at major facilities in Albuquerque, New Mexico and Livermore, California. Please visit our website at www.sandia.gov. Sandia Corporation, a wholly owned subsidiary of Lockheed Martin Corporation operating the Labs under contract with the U.S. Dept of Energy, is searching for an experienced Attorney able to provide a full range of legal services in the areas of corporate/business law applicable to a federally funded research and development center, specifically in areas such as procurement, taxes, insurance, foreign interactions, federal property management, information/records management, Freedom of Information Act, safeguards and security requirements, and litigation management as assigned. The position requires strong analytical and writing skills as well as the ability to work effectively with internal clients. Qualified candidates must possess a JD from an ABA accredited institution; five years or more of solid legal experience; the ability to use sound judgment; and top-tier legal and business skills. Must be willing to become a member of the New Mexico bar (http://www.nmexam.org/). A DOE Security Clearance is required for continued employment; please review eligibility criteria at 10 CFR 710.8 before applying. An understanding of the contractor–government relationship and/or in-house experience or representation of large corporate clients preferred, but not required. Please send resume to: Jeanette Brionez, Sandia National Laboratories, P.O. Box 5800 MS: 0141, Albuquerque, New Mexico 87185-0141, or Fax: 505-844-3551, or Email: jdb@briones@sandia.gov. Please reference Ad Number: 051133. U.S. Citizenship Required. Equal Opportunity Employer. M/F/D/V.

Assistant Attorney General
The Litigation Division of the Attorney General's Office (EEO employer) is accepting resumes for an "exempt" (not classified) Santa Fe position with a majority of the work focusing in civil litigation and administrative prosecutions. Previous litigation experience required. Looking for self-starter and team player that views a public sector law practice as an opportunity to make positive contribution to the people of the state of New Mexico. NM bar admission required. Resume, writing sample and minimum of three professional references must be received at the Attorney General's Office. Send all information to: Attention: Jody Cobb, Paralegal, Litigation Division, P.O. Drawer 1508, Santa Fe, NM 87504-1508. Resumes must be received by 5:00 January 3, 2005. Late or incomplete submittals will not be considered.

Attorney - Santa Fe
Intelligent, self-confident, motivated individual with excellent writing skills who enjoys researching and writing briefs on a variety of subjects, from the basic to the complex, including title and land use issues, complex environmental topics, insurance, employment, and general commercial litigation matters. We are also looking for someone who is willing to occasionally try complex cases as a “second chair” and who will manage insurance defense cases through the pre-trial litigation process. No prior trial experience is necessary, but enjoyment of crafting a persuasive brief from beginning to end is required. Simons & Slattery, LLP is a 9-attorney located in Santa Fe, New Mexico. Our attorneys practice in a variety of civil matters, including most areas of civil litigation (excluding domestic relations and bankruptcy) and are also involved in commercial transactions. The firm’s clients are extremely diverse, ranging from individuals, to non-profit organization, to large corporations. Please reply via e-mail to trefes@simonsfirm.com or by fax to (505) 982-0185. All responses will be kept in confidence.

Attorney Position

Santa Fe District Attorney's Office
The Santa Fe District Attorney's Office has an opening for a magistrate court attorney. This is an Associate Trial Attorney position pursuant to the District Attorneys’ Personnel and Compensation Plan. If interested, please submit a resume and letter of interest to Henry R. Valdez, District Attorney, P.O. Box 2041, Santa Fe, New Mexico 87504-2041.

United States District Court
Chief Deputy

Drug Court Program Director
The Sixth Judicial District Court is recruiting for the position of Drug Court Program Director for its juvenile drug court in Deming, New Mexico. This is a full-time permanent position with a salary range from $48,500 to $51,000 annually DOE and will be governed by the New Mexico Judicial Branch Personnel Rules. The position includes retirement, medical and other benefits associated with full-time employment. Scope of work: under general supervision of the district judge although largely self-directed, manages the drug court program, maintains participant files and statistical data, generates reports and correspondence relative to compliance with drug court standards, trains and supervises surveillance officers, prepares budgets, coordinates with juvenile probation officer, schools and treatment provider, attends staffings, court proceedings and identifies funding sources and volunteer sources for the program. Qualifications: Bachelor’s degree in business, public administration, criminology, social services, political science, guidance and counseling, law or communications, three (3) years’ work experience in relevant field, including one (1) year of experience in a supervisory capacity. Education may substitute for experience and experience may substitute for education. Knowledge of children’s court system, program procedures, goals and objectives; familiar with computers, including Windows WordPerfect software, Microsoft Access and Excel. Application: To obtain an application for employment go to: www.nmcourts.com/newface/jobs/jobs.html. Mail complete application and any resume to Drug Court Program Director Position c/o Melissa Cook, Court Administrator, P.O. Box 2339, Silver City, NM 88062 on or before 5:00 p.m., December 21, 2004. Applicant may contact the Court Administrator for a packet which contains a more detailed description of the required duties. The Judicial Branch of New Mexico is an Equal Opportunity Employer.
City of Las Cruces
Assistant City Attorney
(Domestic Violence Prosecutor)
Two-year, Full-time, Grant-funded
Requirements: Juris Doctor; Member of NM Bar Association; Three (3) years experience as a law clerk or practicing lawyer; Prosecution experience preferred. Duties: Prosecutes domestic violence petty misdemeanor cases in Las Cruces Municipal Court; Represents City of Las Cruces in domestic violence legal proceedings and related NM state court proceedings; Attends protection order hearings and meetings; Provides domestic violence awareness training to police officers and other staff; Provides training to Domestic Assault Response Team (DART). Salary: $43,982.64 Applications must be in by 5:00 p.m. January 3, 2005. Submit resume/application to: City of Las Cruces, Human Resources Office, PO Box 20000, Las Cruces, NM 88004, Telephone 505-528-3100. Website: www.las-cruces.org

New Mexico Human Services Department
Come Work In An Exciting Program With A Dedicated Team! NM HSD, Child Support Enforcement Division is seeking to fill a Lawyer-O, Attorney position located in Hobbs(DOL #52311). This position requires a Juris Doctor, current licensure with the State Bar of New Mexico and 1 year total legal experience. Salary ranges from $18,041 to $32,073 per hour. Interested individuals must apply using the DOL Job Order Number listed at any NM Department of Labor Workforce Center statewide. For DOL information, please call 505-827-7434 or any DOL office statewide. Please bring resume and copy of your NM bar card for application purposes. Upon completion of the NM DOL application process, please send a copy of your resume, bar card, NM DOL Job Referral Form and cover letter to NM HSD, Child Support Enforcement Division, PO Box 25110, Santa Fe, NM 87504. ATTN: Lila Bird, Chief Counsel. For general information, you may contact Amanda Muller at 505-476-7019 or by e-mail, amanda.muller@state.nm.us. The State of New Mexico is an Equal Opportunity Employer.

Blue Cross and Blue Shield of New Mexico Regulatory Relations Specialist
This position is responsible for receiving, processing and responding to all New Mexico Insurance Division inquiries and complaints and for preparing regulatory filings related to new products and advertisements. This position also works closely with the New Mexico Insurance Division on behalf of BCBSNM and also assists in-house counsel on a variety of projects. Qualified candidate will possess a Bachelor’s degree or 5 years of progressive insurance or health industry equivalent work experience. At least 3 years experience in the health or insurance industry, preferably performing functions related to complaints, form filings and analysis of compliance with regulatory schemes required. Must also have the ability to read/analyze statutory and regulatory requirements for insurers, and understand insurance laws & regulations applicable to health insurers. Training/background as legal assistant a plus. We offer a competitive salary and benefits package. Please forward resume (referencing Req #030183) to: Blue Cross and Blue Shield of New Mexico, Attn: HR, P.O. Box 27630, Albuquerque, NM 87125-7630. Or fax: (505) 816-5102. Learn more about BCBSNM and this position at www.bcbsnm.com. We are an equal opportunity employer dedicated to workforce diversity and a drug-free and smoke-free workplace. Drug screening and background investigation may be required as a condition of employment.

Full Time Attorney
Resume, references and writing sample: 2019 Galisteo, Suite C3, Santa Fe, NM 87505.

New Mexico Human Services Department
Come Work In An Exciting Program With A Dedicated Team! NM HSD, Child Support Enforcement Division is seeking to fill a Lawyer-O, Attorney position located in Hobbs(DOL #52311). This position requires a Juris Doctor, current licensure with the State Bar of New Mexico and 1 year total legal experience. Salary ranges from $18,041 to $32,073 per hour. Interested individuals must apply using the DOL Job Order Number listed at any NM Department of Labor Workforce Center statewide. For DOL information, please call 505-827-7434 or any DOL office statewide. Please bring resume and copy of your NM bar card for application purposes. Upon completion of the NM DOL application process, please send a copy of your resume, bar card, NM DOL Job Referral Form and cover letter to NM HSD, Child Support Enforcement Division, PO Box 25110, Santa Fe, NM 87504. ATTN: Lila Bird, Chief Counsel. For general information, you may contact Amanda Muller at 505-476-7019 or by e-mail, amanda.muller@state.nm.us. The State of New Mexico is an Equal Opportunity Employer.

Notice of Faculty Position(s)
University of New Mexico School Of Law
The University of New Mexico School of Law may have one or more non-tenure track visiting positions for the Fall and/or Spring semesters of 2005-2006. Preferred areas of concentration will depend upon curricular needs but may include clinic, constitutional law, business/commercial law, and environmental/natural resources law. Salary and terms of employment for these positions will depend upon resources available and the qualifications of the candidates. Candidates must possess a J.D. degree or equivalent legal degree. Preferred qualifications include formal training, experience or aptitude in teaching the relevant subject; demonstrated excellence or the promise of excellence in the practice of law, the teaching of law, or academic scholarship; and established scholarship. To apply, send a letter of interest that addresses your qualifications and teaching interest and/or expertise in subject matter, a curriculum vitae, and names, addresses and phone numbers of three references to: Associate Dean Jennifer Moore, School of Law, MSC11 6070, 1 University of New Mexico, Albuquerque, NM 87131-0001. For full consideration, submit applications by January 7, 2005. Recruitment will continue until openings are filled. The University of New Mexico is an equal opportunity, affirmative action employer and educator.

Request For Applications
City of Albuquerque Paralegal Position
Paralegal Position - Litigation Division: This is a para-professional position requiring considerable knowledge of legal terminology and Federal and State court procedures. The position requires the ability to perform legal research, assist with trial preparation, draft memoranda, correspondence, briefs, opinions and discovery. The position requires the development of specialized and detailed knowledge of the specific area of municipal law.Must have Associate of Applied Science in Paralegal Studies plus (3) years experience as a Paralegal OR National certification in Paralegal Studies plus (5) years experience as a legal secretary. Entry level salary: $32,905.60. Please apply online at www.cabq.gov. Application deadline is August December 242, 20047, 2004

Legal Assistant
Legal assistant with exp needed for growing Law Firm. Great Sal & Ben (hol, vac, sick, health, dental, retire plan and more). If you would like to be part of a growing team that is in the process of building a new office in the Journal Center, please submit in confidence cover letter, resume, sal hist & req to 3803 Atrisco Blvd Ste A, Albuq, NM 87120, fax 833-3040, or email admin@littledranttel.com.

Paralegals & Legal Secretaries
Be the few who live their dream! Distinctive paralegal and legal secretary positions now available with highly sought after Santa Fe firms. You will need Word and WordPerfect, Excel and 60-80 wpm. Knowledge in probate, estate planning and real estate a huge plus! Some litigation experience necessary. Ideal locations; cohesive and friendly staff. The best gift you can give yourself this year! $35-39K + great benefits! Send resume and cover letter to: info@marciaowenassoc.com or fax to: 505-983-1092. Your confidentiality is assured.

OFFICE SPACE
Office
Stylish, spacious home newly renovated to office. Refrig.air/heat, hrdwflrs/tiles. 1 block from courts.$950/mo + 1 mo free 816 6th St. 286-4872.

Apartment/Office
Cozy upst. 1BR Apt. Liv/Din Rm; Huge Walk-in closet. May be used as Office. 816B 6th St. 286-4872.

BAR BULLETIN - DECEMBER 9, 2004 - VOLUME 43, NO. 49 33
**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.

**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.

**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.

**Upscale Space**

**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.

**Professional Office Suites**
**Downtown**
Large offices with separate secretarial area, free client parking, receptionist, library/conference room, kitchen, telephone, high-speed Internet connection, copier, fax, security. Call Lynda at 842-5924.

**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.

**Premier Santa Fe Office Location**
Stand alone building near downtown. 4200 square feet on 2 levels with on-site parking. Newly renovated historic property. Available January 2005 with long term lease. Call Jay Winter 505-988-4425. jaywinter@bluechip santafe.com

**Suite Uptown**

**Offices for Lease**

**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: mheartnlegal@yahoo.com

**Office Furniture And Fixtures:**
Oak desks, credenzas, side chairs, conference room table w/six chairs, receptionist desk, cabinets, shelving, and state-of-art phone system. Available immediately. Call Sam at 980-5039.

**Missing Will**
In Re the Estate of Kenneth Waldorf Adkins: Anyone having information concerning the whereabouts or existence of the Last Will & Testament of Kenneth Waldorf Adkins, who died September 16, 2004 a resident of Albuquerque, New Mexico, is asked to contact Thomas Smidt II, Esq., Tax, Estate & Business Law, N.A., LLC, attorney for Michael O. Adkins, Personal Representative of said estate. If you are an attorney who may have prepared such a Will or a friend or acquaintance of the decedent having knowledge of same, please call 505/830-2200.

**Used ARL Books**

**CONSULTING**

**Forensic Psychiatrist**
Trained at Yale University in Forensic psychiatry. Board certified and licensed in New Mexico. Available for expert witness testimony. Experienced in criminal and civil matters. Call Dr. Kelly at 505-463-1228.

**To find the most current contact information regarding active and inactive State Bar members go to www.nmbar.org and click on the Attorney/Firm Finder link.**

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**POTPOURRI**
LEGAL AND TAX ADVANTAGES OF LIMITED LIABILITY COMPANIES:
WHAT EVERY PRACTITIONER SHOULD KNOW

Monday, December 20, 2004 • 8:30 a.m. - 4:45 p.m.
State Bar Center • 6.8 General and 1.0 Ethics CLE Credits

This seminar explores the tax and operating law governing the limited liability company (LLC) and is designed to provide the general practitioner with an understanding of the structure and workings of the New Mexico LLC law. It explains what both attorneys and accountants should know about the formation, operation, accounting, and tax treatment of LLCs and continues by discussing the law pertaining to LLCs. Participants will examine the effectiveness of limited liability provided by an LLC compared to that provided by a limited partnership and a close corporation, standing authority to sue and to be sued, authority and fiduciary duties of members and managers to act for the LLC, and the effectiveness of limitations on owner liability. The goal of this course is to provide what every practitioner needs for a complete explanation of the advantages of the LLC and to prepare the necessary documents if a businessperson elects to operate a business as an LLC.

8:30 a.m. Overview and Comparison: Sole proprietorships, general partnerships, corporations, and limited liability companies
9:30 a.m. The New Mexico LLC statute
10:30 a.m. Break
10:45 a.m. The legal treatment of LLCs
Noon Lunch
1:30 p.m. Business ethics and legal ethics—a comparison
2:20 p.m. Introduction to the tax treatment of LLCs
3:15 p.m. Break
3:30 p.m. The tax advantages of LLCs compared to S corporations
4:00 p.m. What every practitioner must know about LLC tax accounting
4:45 p.m. Adjourn

REGISTRATION – LEGAL AND TAX ADVANTAGES OF LIMITED LIABILITY COMPANIES:
WHAT EVERY PRACTITIONER SHOULD KNOW

December 20, 2004 • 8:30 a.m. to 4:45 p.m. • State Bar Center • 6.8 General and 1.0 Ethics CLE Credits

☐ $189 - Standard and Non-Attorney  ☐ $169 - Tax Law Section Member

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Mail this form to: Center for Legal Education of the NM State Bar Foundation, PO Box 92860 Albuquerque, NM 87199 or Fax to (505) 797-6071.
Register Online at www.nmbar.org
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