The Roadrunner, or Chaparral, (Geococcyx californianus) was adopted as the state bird on March 16, 1949. The legendary Roadrunner is famous for its distinctive appearance, its ability to eat rattlesnakes and its preference for scooting across the American deserts at up to 17 miles per hour. It ranges in length from 20 to 24 inches from the tip of its tail to the end of its beak and is a member of the Cuckoo Family (Cuculidae), characterized by feet with 2 forward toes and 2 behind. When the Roadrunner senses danger or is traveling downhill, it flies, revealing short, rounded wings with a white crescent, but it cannot keep its large body airborne for more than a few seconds.

Inside This Issue:

NM Board of Legal Specialization  6
Comments Solicited

State Bar of New Mexico  7
2005 Bar Commissioners

State Bar of New Mexico  7
Board or Editors Vacancy

Legal Education Calendar

Writs of Certiorari

In the Matter of the Adoption of New Insurance Fraud Instructions 14-1645, 14-1646, 14-1647, and 14-1648 NMRA of the Uniform Jury Instructions for Criminal Cases

In the Matter of the Amendments of Rules 2-203 and 3-203; and Forms 9-505, 9-403, and 10-408 For Courts of Limited Jurisdiction and District Courts Concerning Eligibility For Determination For Indigent Defense Services

In the Matter of the Amendments of Rule 17-202 NMRA of the Rules Governing Discipline

In the Matter of the Amendments of Rule 17-307 NMRA of the Rules Governing Discipline
Today's malpractice insurance marketplace can be tough to navigate.

*Let us help light the way.*

Our relationships with many highly rated professional liability providers can enable us to quickly find coverage that suits your individual needs.

You'll also have access to a variety of other insurance products, such as business owners coverage and surety, fidelity, and court bonds.

Most importantly, you'll always be able to speak to a knowledgeable, experienced agent that truly cares about you and your professional insurance needs.

Give us a call...

*We're sure you'll find it illuminating!*

800-950-0551
www.danielshead.com
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.

☐ Ethics Advisory – Assists attorneys with interpretation and application of the Rules of Professional Conduct.

☐ 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
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

Presenter: Ed Hymson

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.

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

2004 Business Criminal Law Panel Forum

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.

$99 Standard and Non-Attorney  $89 Government and Paralegals

Last Chance Professionalism

Professionalism: An Historical Perspective

December 22 or 29, 2004 • 10 a.m. - Noon or 11 a.m. - 1 p.m. or 12:30 - 2:30 p.m. • 2.0 Professionalism CLE Credits

Join historian and accomplished writer Thomas E. Chavez, PhD, Executive Director of the National Hispanic Cultural Center in Albuquerque, and Richard L. Gerding, Esq., 2003 recipient of the New Mexico Bar Association’s Professionalism Award, as they take you on a unique journey through New Mexico’s legal history that is both educational and entertaining. Moderated by The Honorable Pamela B. Minzner of the New Mexico Supreme Court and Jan Gilman-Tepper, Esq., Chair of the New Mexico Board of Minimum Continuing Legal Education.

$59 Standard and Non-Attorney

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
Contributions and announcements to the Bar Bulletin are welcome, but the right is reserved to select material to be published. Unless otherwise specified, publication of any announcement or statement is not deemed to be an endorsement by the State Bar of New Mexico of the views expressed therein, nor shall publication of any advertisement be considered an endorsement by the State Bar of the product or service involved. Editorial policy available upon request.

Board of Commissioners - Officers
Daniel J. O’Brien, President
Charles J. Vigil, President-Elect
Virginia R. Dugan, Vice President
Dennis E. Jontz, Secretary-Treasurer
Colin C. Alcott, Immediate-Past President

Board of Editors
Frances C. Bassett, Esq.
Cathyn Novich Brown, Esq.
Robert G. Cates, Esq.
Germaine R. Chapelle, Esq.
The Hon. Thomas G. Fitch
Barbara Glenn Momaday, Esq.
Mary Catherine McCulloch, Esq.
Steve A. Sandoval
William D. Winter, Esq.

Executive Director – Joe Conte
Editor – Keith Thompson
Layout – Julie Schwartz
Account Executive – Marcia C. Ulibarri,
(505) 797-6058; fax: (505) 797-6075
Pressman – Brian Sanchez
Print Shop Assistant – Richard Montoya
Mail Handler – Pam Zimmer

Cite officially as Bar Bulletin
( ISSN 1062-6611).
Subscription price $80 per year.
Subscriptions are nonrefundable once purchased.
Published weekly by the State Bar,
5121 Masthead NE, Albuquerque, NM 87109
(505) 797-6000
1-800-876-6227
Fax: (505) 828-3765
E-mail: bb@nmbar.org
www.nmbar.org

Periodicals Postage Paid At: Albuquerque,
NM 87101 • © 2004, State Bar of New Mexico Postmaster send address changes to: Systems Manager • Bar Bulletin • PO Box 92860, Albuquerque, NM 87199-2860

Table of Contents

Notices ...................................................................................................................................................... 6-9
Legal Education Calendar .......................................................................................................................... 10-13
Writs of Certiorari ...................................................................................................................................... 14-15
Rules/Orders ................................................................................................................................................ 16-26

In the Matter of the Adoption of New Insurance Fraud Instructions 14-1645, 14-1646, 14-1647, and 14-1648 NMRA of the Uniform Jury Instructions for Criminal Cases ................................................................................................................................. 16

In the Matter of the Amendments of Rules 2-203 and 3-203; and Forms 9-505, 9-403, and 10-408 For Courts of Limited Jurisdiction and District Courts Concerning Eligibility For Determination For Indigent Defense Services ............................................. 17

In the Matter of the Amendments of Rule 17-202 NMRA of the Rules Governing Discipline .................................................................................................................................................................................................................................................................................. 26

In the Matter of the Amendments of Rule 17-307 NMRA of the Rules Governing Discipline .................................................................................................................................................................................................................................................................................. 26

Advertising .................................................................................................................................................. 27-36

Professionalism Tip

With respect to my clients:

I will be loyal and committed to my client’s cause, and I will provide my client with objective and independent advice.

Meetings

January
3 Lawyer Support Group, 5:30 p.m., First Methodist Church
5 Employment and Labor Law Section Board of Directors, noon, State Bar Center
5 Trial Practice Section Board of Directors, 4:30 p.m., State Bar Center
6 Elder Law Section Board of Directors, 11:30 a.m., State Bar Center
8 Ethics Advisory Committee, 10 a.m., Dines & Gross, PC.
12 Committee on Women and the Legal Profession, noon, Lewis and Roca Jontz Dawe, LLP
12 Senior Lawyers Division, 4:30 p.m., State Bar Center

State Bar Workshops

January
26 Consumer Debt/Bankruptcy Workshop, 6:00 p.m., State Bar Center
26 Family Law Workshop, 5:30 p.m., Branigan Library, Las Cruces
27 Consumer Debt/Bankruptcy Workshop, 5:30 p.m., Branigan Library, Las Cruces
February
23 Consumer Debt/Bankruptcy Workshop, 6:00 p.m., State Bar Center
23 Family Law Workshop, 5:30 p.m., Branigan Library, Las Cruces

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

The Supreme Court is considering Proposed Amendments to the Magistrate, Metropolitan and Municipal Court Rules and Civil Forms. Attorneys who would like to comment on the proposed revisions should send written comments by Dec. 31 to: Kathleen J. Gibson, Chief Clerk, New Mexico Supreme Court, PO Box 848, Santa Fe, NM 87504-0848.

For reference: The proposed amendments were printed in the Dec. 9 (Vol. 43, No. 49) Bar Bulletin.

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 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:

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

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 committees encourage attorneys and others to comment upon any applicant. Address comments to New Mexico Board of Legal Specialization, PO Box 92860, Albuquerque, NM 87199.

Bankruptcy Law – Business and Consumer
Daniel J. Behles

Bankruptcy Law – Consumer
Steve H. Mazer

Workers’ Compensation
Mark D. Jarner

Second Judicial District Court
Children’s Court Monthly Judges’ and Managers’ Meeting

The Second Judicial District Children’s Court will hold its monthly judges’ and managers’ meeting at noon, Jan. 4 in the jury room, John E. Brown Juvenile Justice Center, 5100 Second St. NW, Albuquerque. Children’s Court judges and managers of court-related agencies will meet to discuss ongoing concerns and projects. For a copy of the meeting agenda, call (505) 841-7644.

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. Attorneys who have cases with tapes, and wish to have duplicates made, should verify tape information with the Special Services Division, (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.

Family Court Open Meetings

Second Judicial District Family Court judges will hold open meetings to discuss ongoing concerns and projects at noon on the first business Monday of each month in the Conference Center located on the third floor of the Bernalillo County Courthouse. The next regular meeting will be held on Jan. 3. Contact Mary Lovato, (505) 841-6778, for more information or to have an item placed on the agenda.

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 attorneys 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 attorneys 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.

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
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 Dec. 31, and open Jan. 3, 2005 and beyond. Attorneys needing 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.

Lea County
Magistrate Court
Swearing-In Ceremony

Members of the bar and legal community are invited to attend the swearing-in ceremony of Dianna L. Luce as Magistrate Judge, Division 1 of Lea County. The ceremony will be held at 11 a.m., Dec. 22 at the Magistrate Court, 100 W Central, Lovington. A reception will follow at the courthouse. Call (505) 396-6677 for more information.

U.S. District Court for the District of New Mexico
Suspension of 2005 Annual Federal Bar Dues

With the concurrence of all active Article III Judges in the District of New Mexico, it is ordered that as of Jan. 1, 2005, the annual attorney bar dues of $25 shall be suspended for the calendar year 2005. All delinquent dues must be paid. The administrative order may be viewed on the court’s Web site at www.nmcourt.fed.us.

STATE BAR NEWS
2005 Bar Commissioners

The new bar commissioners for 2005 are:
1st Bar Commissioner District
Beatrice J. Brickhouse
4th Bar Commissioner District
Abigail P. Aragon
7th Bar Commissioner District
Richard M. Jacquez

New division commissioners:
Young Lawyers Division Chair
Roxanna M. Chacon
Paralegal Division Liaison
Linda A. Murphy

Senior Lawyer Division
Daniel J. Behles

Attorney Support Group
Monthly Meeting

The next Attorney Support Group meeting will be held at 5:30 p.m., Jan. 12 at the First United Methodist Church at Fourth and Lead SW in Albuquerque. The group meets regularly on the first Monday of the month, but because of the New Year’s holiday the January meeting date has been changed. The group will resume its regular schedule in February.
For more information, contact Bill Stratvert, (505) 242-6845.

Board of Editors
Vacancy

The State Bar Board of Editors will have one attorney-position vacancy to fill beginning in 2005. The Board of Editors serves as the editorial board for the Bar Bulletin, reviewing content, topics for articles and substantive legal articles. The opening is a two-year term, beginning Jan. 1, 2005 and ending Dec. 31, 2006, and could be renewable for one additional two-year term.
Interested attorneys should have previous publishing/editing experience and be available to review articles regularly, as well as be able to attend board meetings in person or by teleconference quarterly.
If interested, send resumes by Dec. 31 to Keith Thompson, PO Box 92860, Albuquerque, NM 87199; or e-mail to kthompson@nmbar.org.

Employment and Labor Law Section
Board Meetings Open to Section Members

The Employment and Labor Law Section Board of Directors welcomes section members to attend its meetings. The board meets at noon on the first Wednesday of each month at the State Bar Center. The next meeting will be Jan. 5. (Lunch is not provided.)
For information about the section, visit the State Bar Web site, www.nmbar.org, or call Cindy Lovato-Farmer, section chair, (505) 667-3766.

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 Stratvert at 242-6845.

Paralegal Division
Brownbag CLEs for Attorneys and Paralegals

The Paralegal Division of the State Bar is offering lunchtime brownbag CLEs at the State Bar Center the second Wednesday of every month. The next brownbag is on Jan. 12, 2005 and is titled Paralegal-Courthouse Interactions: Conflict-Free Litigation Strategies. The cost is $16 for attorneys and $15 for paralegals, legal assistants and office staff. Each meeting has been approved for 1.0 G CLE credits. Registration begins at the door at 11:30 a.m. each month, and the presentation will follow from noon to 1 p.m. For more information contact Debi Shoemaker-Scott at Rothstein Donatelli, (505) 243-1443.

Public Law Section
Board Meeting

The next Public Law Section board meeting will be held at noon, Jan. 13 in the Risk Management Division Legal Bureau Conference Room on the first floor of the Montoya Building, 1100 St. Frances Dr., Santa Fe. Contact Deborah Moll, (505) 827-2000, for more information.

Real Property, Probate and Trust Section
Online Treatise

The Real Property, Probate and Trust Section board would like to use its budget surplus to provide online treatises to section members. Contact Chair R. Max Best, max@rmaxlaw.com, by Dec. 28 with preferences of treatises that should be provided.

OTHER BARS
American Bar Association
2005 Thurgood Marshall Award

The American Bar Association Section of Individual Rights and Responsibilities is
requesting nominations for its 2005 Thurgood Marshall Award. The Thurgood Marshall Award is the only ABA award recognizing long-term contributions to the furtherance of civil rights, civil liberties and human rights in the United States. The section is soliciting nominations of individuals who, through their unique talents and long-term contributions, have shown dedication and leadership in establishing and expanding civil and human rights in the U.S. Nomination forms are available online at www.abanet.org/irr. E-mail irr@abanet.org or call (202) 662-1030 for more information. The nomination deadline is Jan. 7, 2005.

2005 Gambrell Professionalism Awards
Nominations are now being accepted for the 15th Annual E. Smythe Gambrell Professionalism Awards, recognizing projects that enhance professionalism among lawyers.

Bar associations, law schools, law firms and other not-for-profit law related organizations are eligible for the awards. The ABA Standing Committee on Professionalism, a component of the ABA Center for Professional Responsibility, will present up to three awards of $3,500 each during the 2005 ABA Annual Meeting in Chicago. Award criteria include overall quality, replicability, likelihood of continuation, innovation, success, substantive strength in the area of professionalism, scope and other distinguishing features of the applicant programs. The award is named for E. Smythe Gambrell, who served simultaneously as president of the ABA and the American Bar Foundation from 1955 to 1956. Gambrell founded the Legal Aid Society in Atlanta, where he practiced law from 1922 until his death in 1986. The deadline for entries is March 31, 2005. Entry forms and guidelines are available online at www.abanet.org/cpr/gambrell.html. Questions regarding the awards should be directed to Kathleen Maher (312) 988-5307, maherk@staff.abanet.org.

Hispanic National Bar Association
The HNBA invites individual members of the New Mexico Hispanic Bar Association to join the national organization at the special annual rate of $20. All New Mexico attorneys are welcome to join the national voice of the Hispanic legal community, representing the interests of 27,000 attorneys, judges and law professors throughout the United States. Join utilizing the State Bar of New Mexico 2005 Dues/Licensing Form, or at www.HNBA.com.

Key upcoming events include: the governing board winter meeting in Puerto Rico in January; the National Moot Court Competition in March with 40 law student teams competing for scholarships and awards; the midyear CLE Conference in March with world class instructors covering the latest legal developments in the digital/information age; the annual Congressional and White House meetings in May; the governing board summer meeting in Santa Fe in July; and the 2005 Annual Convention in Washington in October.

New programs for 2005 include: a Fortune 500 Job Fair to link Hispanic outside counsel law firms with the nation’s leading corporate counsel; provision of mentors and coaches for Mexico’s first national law school mock trial competition; and development of the first joint Jurist Doctor program between Spain and the U.S. Go to www.HNBA.com for more information.

Other News
Center for Civic Values Mock Trial Coach Needed
Attorney coaches are needed for the West Mesa High School mock trial team in Albuquerque and Pojoaque High School in Pojoaque. Attorneys interested in participating in this exciting and rewarding program, should call 764-9417, extension 15, 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.

Lawyer Referral for the Elderly Program
1-800-876-6657
(505) 797-6005
Provides issue assessment, legal information, legal advice, brief services and referrals to all New Mexico residents 55 years old or older. LREP also conducts informational workshops throughout the state.

PLSD Referral Programs
1-800-876-6227
(505) 797-6066
Provides free public workshops throughout the state. Also provides pro bono, reduced fee, and full fee referrals to the private bar for lawyer referral for the elderly, legal aid, SSI, military clients and cancer and HIV/AIDS patients. The Expanded Referral Program offers fee based referrals from people calling the State Bar and an attorney page on the State Bar Web site for a small fee.
PLSD strives to be a united, inclusive program serving the legal profession and the public.

Client Attorney Assistance Program (CAAP)
1-800-876-6227
(505) 797-6068
CAAP serves the legal community and the public by helping attorneys and clients resolve communication and other issues. CAAP encompasses the Fee Arbitration Program to help resolve fee disputes between attorneys and their clients, and helps with Peer Assistance, which fields complaints from both clients and attorneys regarding unprofessional conduct of an attorney that does not rise to an ethical violation.
Paralyzed Veterans of America Legal Writing Competition

The Paralyzed Veterans of America (PVA) has announced its second annual legal writing competition. The competition is open to all law students and attorneys, and is designed to stimulate discussion on issues that affect today’s veterans. The topic of this year’s competition is “Should a Veteran be Entitled to Retain a Lawyer for Adjudication of Claims before the Department of Veterans Affairs?”

A first prize of $1,250 and a second prize of $750 will be awarded. All submissions must be received no later than March 1, 2005. Winners will be announced during PVA Awareness Week, April 10-16, 2005. For more information on how to enter the competition and the specific rules, please visit the PVA Web site www.pva.org and click on “Legal Writing Competition.”

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.

Paralyzed Veterans of America
Legal Writing Competition

Help is as close as your phone.

The Lawyers Assistance Program is a statewide network of recovering lawyers and substance abuse professionals dedicated to helping others within the profession get the help they need. Discuss your concerns with professional staff who will answer your questions, provide information, give support and offer a plan of action. At your request, you may be put in touch with an attorney in recovery who can share his or her experience with you.

Free Confidential* 24-Hour Hotline
Albuquerque (505) 228-1948
(800) 860-4914

*The NM Rules of Professional Conduct (Rule 16-803) and the NM Code of Judicial Conduct (Rule 21-300) provide for strict confidentiality.

Be sure to order extra copies of the State Bar of New Mexico 2004-2005 Bench & Bar Directory today!

Send request in writing to:
State Bar of New Mexico Directory
PO Box 92860
Albuquerque, NM 87199-2860
or E-mail to sbnm@nmbar.org
You can also order extra directories online at www.nmbar.org.
## Legal Education

### December

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Title</th>
<th>Location</th>
<th>Type</th>
<th>Duration</th>
<th>Contact Information</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Bankruptcy Law Seminar</td>
<td>State Bar Center, Albuquerque</td>
<td>Westlaw</td>
<td>1.8 G</td>
<td>(800) 310-9650 Ext. 7101</td>
<td><a href="http://www.west.thomson.com/westlaw/training/classes">www.west.thomson.com/westlaw/training/classes</a></td>
</tr>
<tr>
<td>20</td>
<td>Labor and Employment Law Seminar</td>
<td>State Bar Center, Albuquerque</td>
<td>Westlaw</td>
<td>1.8 G</td>
<td>(800) 310-9650 Ext. 7101</td>
<td><a href="http://www.west.thomson.com/westlaw/training/classes">www.west.thomson.com/westlaw/training/classes</a></td>
</tr>
<tr>
<td>21</td>
<td>Parental Alienation Syndrome—The Lawyer’s Role</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 E</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>21</td>
<td>Practical Guide to Zoning and Land Use Law in New Mexico</td>
<td>Albuquerque</td>
<td>National Business Institute</td>
<td>6.7 G</td>
<td>(800) 930-6182</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
</tr>
<tr>
<td>21</td>
<td>Annual Review of Civil Procedure</td>
<td>State Bar Center, Albuquerque</td>
<td>Center for Legal Education of SBNM</td>
<td>8.4 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
</tr>
<tr>
<td>21</td>
<td>Challenges in New Mexico Insurance Coverage Litigation</td>
<td>Albuquerque</td>
<td>National Business Institute</td>
<td>6.2 G</td>
<td>(800) 930-6182</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
</tr>
<tr>
<td>21</td>
<td>Enemy Combatants, Civil Liberties and the USA PATRIOT Act</td>
<td>VR - State Bar Center, Albuquerque Center for Legal Education of SBNM</td>
<td>7.6 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Just WHO is the Client?</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 E</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>21</td>
<td>2004 Professionalism: An Historical Perspective</td>
<td>VR - State Bar Center, Albuquerque Center for Legal Education of SBNM</td>
<td>2.0 P</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Reporting Misconduct—Who, When and Where</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 E</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>22</td>
<td>When Lawyers Cross the Line</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 P</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>27</td>
<td>Is a New Rule Needed Regarding Class Action Litigation?</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 E</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>28</td>
<td>Enemy Combatants, Civil Liberties and the USA PATRIOT Act</td>
<td>VR - State Bar Center, Albuquerque Center for Legal Education of SBNM</td>
<td>7.6 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Factual and Forensic Development of Evidence</td>
<td>VR - State Bar Center, Albuquerque Center for Legal Education of SBNM</td>
<td>8.4 G</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>When Counsel’s Duties Conflict</td>
<td>Teleconference</td>
<td>TRT, Inc.</td>
<td>2.4 P</td>
<td>(800) 672-6253</td>
<td><a href="http://www.trtcle.com">www.trtcle.com</a></td>
</tr>
<tr>
<td>29</td>
<td>2004 Professionalism: An Historical Perspective</td>
<td>VR - State Bar Center, Albuquerque Center for Legal Education of SBNM</td>
<td>2.0 P</td>
<td>(505) 797-6020</td>
<td><a href="http://www.nmbar.org">www.nmbar.org</a></td>
<td></td>
</tr>
</tbody>
</table>

**G = General  E = Ethics  P = Professionalism  VR = Video Replay**

Programs have various sponsors; contact appropriate sponsor for more information.
## Legal Education

### January

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
</table>
| 3    | Justice in the Jury Room | Telephone conference TRT, Inc.  2.4 P  (800) 672-6253  www.trtcle.com  
| 4    | Sanctions and the Goldilocks Test - too Soft, too Hard, or Just Right? | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  
| 5    | Electronic Document Discovery: Recent Developments | Telephone conference TRT, Inc.  2.4 G  (800) 672-6253  www.trtcle.com  
| 6    | Major Issues in Mediation | Telephone conference TRT, Inc.  2.4 G  (800) 672-6253  www.trtcle.com  
| 6    | Title Examination | Albuquerque  Lorman Education Services  6.0 G, 1.2 E  (715) 833-3940  www.lorman.com  
| 7    | Burden of Representing Financially-challenged Companies | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  
| 10   | Commercial Real Estate Transactions and Title Issues in New Mexico | Albuquerque  National Business Institute  7.2 G  (715) 835-8525  www.nbi-sems.com  
| 11   | Protecting Business Assets Through Effective Lawyering | Telephone conference TRT, Inc.  2.4 G  (800) 672-6253  www.trtcle.com  
| 11-12| Electronic Discovery and Evidence Part 1 and 2 | Teleseminar  Center for Legal Education of SBNM  2.4 G  (505) 797-6200  www.nmbar.org  
| 11   | Fundamentals of Water Law | VR - State Bar Center, Albuquerque  3.3 G  (505) 797-6200  www.nmbar.org  
| 11   | Toil and Trouble: Avoiding Common Pitfalls in the Practice of Law | VR - State Bar Center, Albuquerque  1.0 E, 2.0 P  (505) 797-6200  www.nmbar.org  
| 12   | Federal Money Laundering Laws | Telephone conference TRT, Inc.  2.4 G  (800) 672-6253  www.trtcle.com  
| 12   | Paralegal Courthouse Interactions and Conflict-Free Litigation Strategies | Santa Fe  Paralegal Division of New Mexico  1.0 E  (505) 955-9700  
| 13   | Demonstrative Evidence in Your Personal Injury Trial - When, What, Why, and How Much? | Telephone conference TRT, Inc.  2.4 G  (800) 672-6253  www.trtcle.com  
| 13   | Mechanics and Materialmans Liens | Santa Fe  Paralegal Division of New Mexico  1.0 G  (505) 955-9700  
| 14   | Common Sense Ethics - Histories & Mysteries | Telephone conference TRT, Inc.  2.4 P  (800) 672-6253  www.trtcle.com  
| 12   | Just WHO is the Client? | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  
| 31   | Personal and Professional Liability Issues | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  
| 31   | Just WHO is the Client? | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  
| 31   | Just WHO is the Client? | Telephone conference TRT, Inc.  2.4 E  (800) 672-6253  www.trtcle.com  

www.nmbar.org

www.nmbar.org
| 14 | Engagement Letters: The Gateway to Better Client Relations and Professionalism  
VR - State Bar Center, Albuquerque Center for Legal Education of SBNM  
2.0 P  
(505) 797-6020  
www.nmbar.org |
|------|------------------------------------------------------------------|
| 17 | DaVinci Code of Scientific Evidence  
Teleconference  
TRT, Inc.  
2.4 G  
(800) 672-6253  
www.trtcle.com |
| 18 | 2004 Professionalism: An Historical Perspective  
VR - State Bar Center, Albuquerque Center for Legal Education of SBNM  
2.0 P  
(505) 797-6020  
www.nmbar.org |
| 19 | Fundamentals of Construction Contracts: Understanding the Issues in New Mexico  
Albuquerque  
Lorman Education Services  
8.0 G  
(715) 833-3940  
www.lorman.com |
| 20 | Personal Injury Case Evaluation and Intake - Make Your Accountant and Malpractice Insurer Happy  
Teleconference  
TRT, Inc.  
2.4 G  
(800) 672-6253  
www.trtcle.com |
| 21 | Discovery Skills for Legal Staff  
Albuquerque  
Lorman Education Services  
7.2 G  
(715) 833-3940  
www.lorman.com |
| 22 | The Basics of Real Estate Transactions from Negotiation to Closing  
State Bar Center, Albuquerque Paralegal Division and Center for Legal Education of SBNM  
5.6 G, 1.0 E  
(505) 797-6020  
www.nmbar.org |
| 24 | Fundamentals of Arbitration (ADR)  
Teleconference  
TRT, Inc.  
2.4 G  
(800) 672-6253  
www.trtcle.com |
| 25 | 2004 Professionalism: An Historical Perspective  
VR - State Bar Center, Albuquerque Center for Legal Education of SBNM  
2.0 P  
(505) 797-6020  
www.nmbar.org |

**Fundamentals of Construction Contracts: Understanding the Issues in New Mexico**  
Albuquerque  
Lorman Education Services  
8.0 G  
(715) 833-3940  
www.lorman.com

**Personal Injury Case Evaluation and Intake - Make Your Accountant and Malpractice Insurer Happy**  
Teleconference  
TRT, Inc.  
2.4 G  
(800) 672-6253  
www.trtcle.com

**Discovery Skills for Legal Staff**  
Albuquerque  
Lorman Education Services  
7.2 G  
(715) 833-3940  
www.lorman.com

**They Took My Stuff! How Do I Get it Back?**  
Teleconference  
TRT, Inc.  
2.4 G  
(800) 672-6253  
www.trtcle.com

**Workers’ Compensation in New Mexico**  
Albuquerque  
Lorman Education Services  
7.2 G  
(715) 833-3940  
www.lorman.com

**The Basics of Real Estate Transactions from Negotiation to Closing**  
State Bar Center, Albuquerque Paralegal Division and Center for Legal Education of SBNM  
5.6 G, 1.0 E  
(505) 797-6020  
www.nmbar.org

**Factual and Forensic Development of Evidence**  
VR - State Bar Center, Albuquerque Center for Legal Education of SBNM  
8.4 G  
(505) 797-6020  
www.nmbar.org

**Recent Trends Involving the Law of Arrest, Search and Seizure**  
Albuquerque  
Lorman Education Services  
7.2 G  
(715) 833-3940  
www.lorman.com

**Sales Representation and Distributor Agreements: What Attorneys Advising Business Should Know**  
Teleseminar  
Center for Legal Education of SBNM  
1.2 G  
(505) 797-6020  
www.nmbar.org

**The Tangled Webs of Impaired Lawyers**  
Teleconference  
TRT, Inc.  
2.4 E  
(800) 672-6253  
www.trtcle.com
February

1. **How to Help Your Child Survive a Child Custody Evaluation in New Mexico**
   - Albuquerque
   - National Business Institute
   - 6.7 G, 0.5 E
   - (715) 835-8525
   - www.nbi-sems.com

2. **Confidentiality of Medical Records**
   - Albuquerque
   - Lorman Education Services
   - 7.2 G
   - (715) 833-3940
   - www.lorman.com

3. **New Mexico Wage and Hour Regulations and Recent Developments**
   - Albuquerque
   - National Business Institute
   - 6.7 G, 0.5 E
   - (715) 835-8525
   - www.nbi-sems.com

8. **Reorganization Bankruptcies for Small Businesses in New Mexico**
   - Albuquerque
   - National Business Institute
   - 6.7 G, 0.5 E
   - (715) 835-8525
   - www.nbi-sems.com

10. **Tax Issues in Estate Planning and Probate**
    - Albuquerque
    - National Business Institute
    - 7.5 G, 0.5 E
    - (715) 835-8525
    - www.nbi-sems.com

21. **Managing Absent Employees So It Doesn’t Make You Absent-minded**
    - Albuquerque
    - National Business Institute
    - 6.7 G, 0.5 E
    - (715) 835-8525
    - www.nbi-sems.com
**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 15, 2004**

---

**PETITIONS FOR WRIT OF CERTIORARI FILED AND PENDING:**

<table>
<thead>
<tr>
<th>Date Petition Filed</th>
<th>NO.</th>
<th>Petition</th>
<th>Petitioner(s)</th>
<th>Case Number</th>
<th>Date Writ Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/13/04</td>
<td>28,987</td>
<td>Sanchez v. Santa Ana Golf (COA 24,278)</td>
<td>8/10/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/10/04</td>
<td>28,988</td>
<td>Geronimo v. State (12-501)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/10/04</td>
<td>28,985</td>
<td>Mahaffey v. Marrujo (COA 24,580)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/10/04</td>
<td>28,984</td>
<td>Martinez v. Janecka (12-501)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/9/04</td>
<td>28,983</td>
<td>Callahan v. New Mexico (COA 23,645)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/8/04</td>
<td>28,982</td>
<td>Atler v. Murphy (COA 23,620)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/2/04</td>
<td>28,981</td>
<td>Galloway v. State (12-501)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/1/04</td>
<td>28,977</td>
<td>State v. Duran (COA 24,994)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/1/04</td>
<td>28,973</td>
<td>Sisneros v. Williams (12-501)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/1/04</td>
<td>28,942</td>
<td>Malone v. Montoya (COA 23,773)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,970</td>
<td>State v. Briones (COA 24,657)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,971</td>
<td>State v. Smith (COA 23,959)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,966</td>
<td>State v. Wickware (COA 25,403)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,965</td>
<td>State v. Hinojos-Garcia (COA 24,976)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,964</td>
<td>State v. Sanchez (COA 24,914)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,963</td>
<td>State v. Rogers (COA 23,837)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,959</td>
<td>State v. Briones (COA 24,657)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,956</td>
<td>State v. Urias (COA 24,915)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,955</td>
<td>State v. Santiago (COA 24,807)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,954</td>
<td>State v. Schoonmaker (COA 23,927)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,953</td>
<td>State v. Baca (COA 23,521)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/30/04</td>
<td>28,952</td>
<td>State v. Allen (COA 23,548)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/10/04</td>
<td>28,951</td>
<td>State v. Dominguez (COA 24,855)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/10/04</td>
<td>28,950</td>
<td>State v. Nyce (COA 25,075)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/4/04</td>
<td>28,945</td>
<td>Sandoval v. Ulibarri (COA 23,282)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/4/04</td>
<td>28,913</td>
<td>Mannick v. Wakeland (COA 24,280/24,078)</td>
<td>8/17/04</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**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*

<table>
<thead>
<tr>
<th>Date Writ Issued</th>
<th>NO.</th>
<th>Petition</th>
<th>Petitioner(s)</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/10/04</td>
<td>28,674</td>
<td>State v. Avilucea (COA 23,964)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>6/22/04</td>
<td>28,706</td>
<td>State v. Cavalier (COA 23,796)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>6/22/04</td>
<td>28,705</td>
<td>State v. Monger (COA 23,944/23,993)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>6/22/04</td>
<td>28,704</td>
<td>State v. Lopez (COA 23,531)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>6/22/04</td>
<td>28,703</td>
<td>State v. Armenta (COA 24,311)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,653</td>
<td>State v. Moreno (COA 23,893)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,652</td>
<td>State v. Abeya (COA 23,804)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,751</td>
<td>State v. Perez (COA 24,474)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,750</td>
<td>State v. Horcasitas (COA 24,274)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,748</td>
<td>State v. Tave (COA 24,114)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,746</td>
<td>State v. Hensley (COA 23,966)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,745</td>
<td>State v. Torres (COA 24,683)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>8/10/04</td>
<td>28,805</td>
<td>State v. Garcia (COA 24,369)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>8/10/04</td>
<td>28,778</td>
<td>State v. Washington (COA 24,004)</td>
<td>8/17/04</td>
<td></td>
</tr>
</tbody>
</table>

---

**CERTIORARI GRANTED BUT NOT SUBMITTED:**

(Submission = date of oral argument or briefs-only submission)

ALL CASES HELD IN ABEYANCE PENDING DISPOSITION IN NO. 28,663, *STATE V. DEAN*

<table>
<thead>
<tr>
<th>Date Writ Issued</th>
<th>NO.</th>
<th>Petition</th>
<th>Petitioner(s)</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/19/04</td>
<td>28,665</td>
<td>State v. Self (COA 23,588)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>7/19/04</td>
<td>28,664</td>
<td>State v. Lopez (COA 23,531)</td>
<td>8/17/04</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Case Name</td>
<td>COA</td>
<td>Submission Date</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td></td>
</tr>
<tr>
<td>27,950</td>
<td>Breen v. Carlsbad Schools</td>
<td>22,885/22,889</td>
<td>9/30/03</td>
<td></td>
</tr>
<tr>
<td>28,038</td>
<td>Paule v. Santa Fe County Commissioners</td>
<td>22,988</td>
<td>10/27/03</td>
<td></td>
</tr>
<tr>
<td>27,945</td>
<td>State v. Munoz</td>
<td>23,094</td>
<td>11/18/03</td>
<td></td>
</tr>
<tr>
<td>27,817</td>
<td>Tomlinson v. George</td>
<td>22,017</td>
<td>12/15/03</td>
<td></td>
</tr>
<tr>
<td>28,068</td>
<td>State v. Gallegos</td>
<td>22,888</td>
<td>2/3/04</td>
<td></td>
</tr>
<tr>
<td>28,225</td>
<td>Huntley v. Cibola General Hospital</td>
<td>23,916</td>
<td>2/29/04</td>
<td></td>
</tr>
<tr>
<td>28,272</td>
<td>Lester v. City of Hobbs</td>
<td>22,250</td>
<td>3/16/04</td>
<td></td>
</tr>
<tr>
<td>28,241</td>
<td>State v. Duran</td>
<td>22,611</td>
<td>3/31/04</td>
<td></td>
</tr>
<tr>
<td>28,317</td>
<td>Turner v. Bassett</td>
<td>22,877</td>
<td>4/12/04</td>
<td></td>
</tr>
<tr>
<td>28,286</td>
<td>State v. Graham</td>
<td>22,913</td>
<td>5/17/04</td>
<td></td>
</tr>
<tr>
<td>28,374</td>
<td>Smith v. Bernalillo County Commissioners</td>
<td>22,766</td>
<td>8/9/04</td>
<td></td>
</tr>
<tr>
<td>28,380</td>
<td>Angel Fire v. Wheeler</td>
<td>24,295</td>
<td>8/9/04</td>
<td></td>
</tr>
<tr>
<td>28,481</td>
<td>Jouett v. Gornley</td>
<td>23,669</td>
<td>8/10/04</td>
<td></td>
</tr>
<tr>
<td>28,486</td>
<td>Jouett v. Gornley</td>
<td>23,669</td>
<td>8/10/04</td>
<td></td>
</tr>
<tr>
<td>28,482</td>
<td>Jouett v. Gornley</td>
<td>23,669</td>
<td>8/10/04</td>
<td></td>
</tr>
<tr>
<td>28,441</td>
<td>Gormley v. Coca Cola</td>
<td>22,722</td>
<td>8/11/04</td>
<td></td>
</tr>
<tr>
<td>28,462</td>
<td>State v. Ryon</td>
<td>23,318</td>
<td>8/11/04</td>
<td></td>
</tr>
<tr>
<td>28,426</td>
<td>Sam v. Estate of Sam</td>
<td>23,288</td>
<td>9/13/04</td>
<td></td>
</tr>
<tr>
<td>28,119</td>
<td>State v. Dominguez</td>
<td>23,286</td>
<td>9/13/04</td>
<td></td>
</tr>
<tr>
<td>28,253</td>
<td>Miller v. Brock</td>
<td>24,124</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>28,249</td>
<td>Miller v. Brock</td>
<td>24,125</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>27,409</td>
<td>State v. Rodriguez</td>
<td>22,558</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>28,016</td>
<td>State v. Lopez</td>
<td>23,424</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>28,423</td>
<td>Marquez v. Allstate</td>
<td>23,385</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>28,438</td>
<td>Marquez v. Allstate</td>
<td>23,385</td>
<td>9/15/04</td>
<td></td>
</tr>
<tr>
<td>28,431</td>
<td>Albuquerque v. Park &amp; Shuttle</td>
<td>24,221</td>
<td>10/14/04</td>
<td></td>
</tr>
<tr>
<td>28,532</td>
<td>Spencer v. Health Force, Inc.</td>
<td>22,702</td>
<td>10/14/04</td>
<td></td>
</tr>
<tr>
<td>27,269</td>
<td>Kmart v. Tax &amp; Rev</td>
<td>21,140</td>
<td>10/14/04</td>
<td></td>
</tr>
<tr>
<td>28,584</td>
<td>State v. Lowe</td>
<td>22,523</td>
<td>11/15/04</td>
<td></td>
</tr>
<tr>
<td>28,414</td>
<td>State v. O’Kelly</td>
<td>23,272/23,364</td>
<td>11/15/04</td>
<td></td>
</tr>
<tr>
<td>28,628</td>
<td>Herrington v. State Engineer</td>
<td>23,871</td>
<td>11/16/04</td>
<td></td>
</tr>
<tr>
<td>28,678</td>
<td>State v. Madrid</td>
<td>23,822</td>
<td>11/29/04</td>
<td></td>
</tr>
<tr>
<td>28,630</td>
<td>Archuleta v. Santa Fe Police Department</td>
<td>23,445</td>
<td>11/29/04</td>
<td></td>
</tr>
<tr>
<td>28,586</td>
<td>State v. Yazzie</td>
<td>24,519</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,597</td>
<td>State v. Kee</td>
<td>24,561</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,610</td>
<td>State v. Roy</td>
<td>24,403</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,611</td>
<td>State v. Frank</td>
<td>24,402</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,612</td>
<td>State v. Natani</td>
<td>24,558</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,613</td>
<td>State v. Williamson</td>
<td>24,411</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,614</td>
<td>State v. Yazzie</td>
<td>24,388</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,615</td>
<td>State v. Nakai</td>
<td>24,654</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,616</td>
<td>State v. Attnon</td>
<td>24,505</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,617</td>
<td>State v. Dickie</td>
<td>24,475</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,618</td>
<td>State v. Etsity</td>
<td>24,414</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,619</td>
<td>State v. Jim</td>
<td>24,404</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,620</td>
<td>State v. Luther</td>
<td>24,516</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,621</td>
<td>State v. Henderson</td>
<td>24,506</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,736</td>
<td>State v. Hunter</td>
<td>24,816</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,744</td>
<td>State v. Yazzie</td>
<td>24,815</td>
<td>12/3/04</td>
<td></td>
</tr>
<tr>
<td>28,500</td>
<td>Manning v. New Mexico Energy &amp; Minerals</td>
<td>23,396</td>
<td>12/13/04</td>
<td></td>
</tr>
<tr>
<td>28,654</td>
<td>Baker v. BP America</td>
<td>24,741</td>
<td>12/13/04</td>
<td></td>
</tr>
<tr>
<td>28,598</td>
<td>State v. Brown</td>
<td>23,505</td>
<td>12/14/04</td>
<td></td>
</tr>
<tr>
<td>28,648</td>
<td>Fernandez v. Espanola School</td>
<td>23,032</td>
<td>12/14/04</td>
<td></td>
</tr>
<tr>
<td>28,525</td>
<td>State v. Jernigan</td>
<td>23,095</td>
<td>12/14/04</td>
<td></td>
</tr>
<tr>
<td>28,559</td>
<td>UNM Police Officers v. UNM</td>
<td>22,111</td>
<td>12/20/04</td>
<td></td>
</tr>
<tr>
<td>28,596</td>
<td>State v. Jackson</td>
<td>22,043</td>
<td>12/20/04</td>
<td></td>
</tr>
<tr>
<td>28,410</td>
<td>State v. Romero</td>
<td>22,836</td>
<td>2/14/05</td>
<td></td>
</tr>
<tr>
<td>28,688</td>
<td>State v. Gutierrez</td>
<td>24,731</td>
<td>2/14/05</td>
<td></td>
</tr>
<tr>
<td>28,631</td>
<td>State v. Garcia</td>
<td>23,533</td>
<td>2/14/05</td>
<td></td>
</tr>
<tr>
<td>28,645</td>
<td>State v. Gonzales</td>
<td>22,550/22,622</td>
<td>2/15/05</td>
<td></td>
</tr>
<tr>
<td>28,695</td>
<td>Chavez v. Sandoval</td>
<td>24,232</td>
<td>2/15/05</td>
<td></td>
</tr>
<tr>
<td>28,780</td>
<td>Cerrillos Gravel v. County Commissioners</td>
<td>23,630/23,634</td>
<td>2/15/05</td>
<td></td>
</tr>
<tr>
<td>28,812</td>
<td>Battishill v. Farmers Insurance</td>
<td>24,196</td>
<td>2/16/05</td>
<td></td>
</tr>
<tr>
<td>28,821</td>
<td>State v. Maese</td>
<td>23,793</td>
<td>2/16/05</td>
<td></td>
</tr>
<tr>
<td>28,698</td>
<td>State v. Eubanks</td>
<td>24,587</td>
<td>2/28/05</td>
<td></td>
</tr>
<tr>
<td>28,634</td>
<td>State v. Dang</td>
<td>22,982</td>
<td>2/28/05</td>
<td></td>
</tr>
<tr>
<td>28,791</td>
<td>State v. Franco</td>
<td>23,719</td>
<td>2/28/05</td>
<td></td>
</tr>
<tr>
<td>28,787</td>
<td>Brooks v. Norwest</td>
<td>23,423</td>
<td>12/7/04</td>
<td></td>
</tr>
<tr>
<td>28,857</td>
<td>Matrix v. Ricks Exploration</td>
<td>24,211</td>
<td>12/7/04</td>
<td></td>
</tr>
<tr>
<td>28,946</td>
<td>Lujan v. Richardson</td>
<td>25,074</td>
<td>12/7/04</td>
<td></td>
</tr>
<tr>
<td>28,939</td>
<td>State v. Reano</td>
<td>24,828</td>
<td>12/7/04</td>
<td></td>
</tr>
<tr>
<td>28,930</td>
<td>State v. Smith</td>
<td>25,138</td>
<td>12/8/04</td>
<td></td>
</tr>
</tbody>
</table>
14-1645. Insurance policies; false applications; essential elements.

For you to find the defendant guilty of making a false application, [as charged in Count ________]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:
1. The defendant [presented] 3 [or] [caused to be presented] [false proof of loss]¹ [as charged in Count ________]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:
2. The defendant knew the statement to be untrue]² [acted with reckless disregard of the truth];
3. This happened in New Mexico on or about the _____ day of __________________, ______.
14-1648. Insurance; false statement or representation; essential elements.

For you to find the defendant guilty of making a false statement or representation relative to an insurance policy [as charged in Count _______]1, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant made a false or fraudulent statement or representation [on an application for an insurance policy] [or] [relative to an application for an insurance policy];
2. The statement or representation was made for the purpose of obtaining any fee, commission or benefit from an insurer, agent, broker or individual;
3. The defendant [knew the statement to be untrue]2 [or] [acted with reckless disregard of the truth];
4. This happened in New Mexico on or about the ______ day of __________________, ______.

USE NOTE
1. Insert the count number if more than one count is charged.
2. Use only applicable alternative or alternatives.
[Approved, effective January 20, 2005.]

Statutory reference
Section 59A-16-23(A)(3) NMSA 1978.

2-203. Service and filing of pleadings and other papers.

A. Service; when required. Unless the court otherwise orders, every pleading subsequent to the complaint, every order not entered in open court, every written motion other than one which may be heard ex parte and every written notice, demand 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 shall be served upon all parties in the manner provided for service of summons; 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 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 it 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.

“Delivery of a copy” within this rule means:
(1) handing it to the attorney or to the party;
(2) sending a copy by facsimile or electronic transmission when permitted by Rule 2-203.1 NMRA or Rule 2-203.2 NMRA;

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

(4) if the attorney’s or party’s office is closed or the person to be served has no office, leaving it at the person’s dwelling house or usual place of abode with some person of suitable age and discretion residing there; or

(5) placing a copy in a box maintained by the attorney for purposes of serving the attorney.

C. Filing; certificate of service. All papers after the complaint, required to be served upon a party, together with a certificate or affidavit of service, shall be filed with the court within a reasonable time after service.

D. 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 NMRA or Rule 2-203.2 NMRA. A paper filed by electronic means in compliance with Rule 2-203.1 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. Proof of service. Except as otherwise provided in these rules or by order of court, proof of service shall be made by the certificate of an attorney of record, or if made by any other person, by the affidavit of such person. Such certificate or affidavit shall be filed with the clerk or endorsed on the pleading, motion, or other paper required to be served.

F. Motions. Whenever, by these rules, a party is required to “move” within a specified time or a motion is required to be “made” within a specified time, the motion shall be deemed to be made at the time it is filed or at the time it is served, whichever is earlier.

3-203. Service and filing of pleadings and other papers.

A. Service; when required. Unless the court otherwise orders, every pleading subsequent to the complaint, every order not entered in open court, every written motion other than one which may be heard ex parte and every written notice, demand 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 them shall be served upon them in the manner provided for service of summons; 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 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 it 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.

“Delivery of a copy” within this rule means:

(1) handing it to the attorney or to the party;

(2) sending a copy by facsimile or electronic transmission when permitted by Rule 3-203.1 NMRA or Rule 3-203.2 NMRA of these rules;

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

(4) if the attorney’s or party’s office is closed or the person to be served has no office, leaving it at the person’s dwelling house or usual place of abode with some person of suitable age and discretion residing there; or

(5) placing a copy in a box maintained by the attorney for purposes of serving the attorney.

C. Filing; certificate of service. All papers after the complaint, required to be served upon a party, together with a certificate or affidavit of service, shall be filed with the court within a reasonable time after service.

D. 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 3-203.1 NMRA or 3-203.2 NMRA of these rules. A paper filed by electronic means in compliance with Rule 3-203.1 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 or any local rules or practices.

E. Proof of service. Except as otherwise provided in these rules or by order of court, proof of service shall be made by the certificate of an attorney of record, or if made by any other person, by the affidavit of such person. Such certificate or affidavit shall be filed with the clerk or endorsed on the pleading, motion, or other paper required to be served.

F. Motions. Whenever, by these rules, a party is required to “move” within a specified time or a motion is required to be “made” within a specified time, the motion shall be deemed to be made at the time it is filed or at the time it is served, whichever is earlier.

9-505

[For use with Magistrate Court Rule 6-607, Metropolitan Court Rule 7-607 and Municipal Court Rule 8-603]

(Insert name of laboratory)

REPORT OF BLOOD ALCOHOL ANALYSIS

Laboratory number: __________________________

Date received: __________________________

Time received: __________________________

PART A

INFORMATION IN THIS BLOCK TO BE FILLED IN BY ARRESTING OFFICER

SEND LAB ANALYSIS REPORT TO:

Name: __________________________

(Complete name of your agency)
the entire contents of a state scientific laboratory division approved blood collection kit in accordance with scientific laboratory division’s approved instructions.

Signature of blood drawer __________________________ Date __________________________

Title __________________________

Employer name __________________________

PART B

------------------ LABORATORY USE ONLY ------------------

CERTIFICATE OF ANALYST

I certify that on the date shown in the “date received” blank above, I received the sample which accompanied this report and followed the procedures set out on the reverse of this report, and that the statements in this block are correct.

Signature of analyst __________________________

CERTIFICATE OF REVIEWER

I certify that the analyst who conducted the analysis in this case meets the qualifications required by the director of this laboratory to properly conduct such analyses; the supervisor of analysts is also qualified to conduct such analyses; and that the established procedure has been followed in the handling and analysis of the sample in this case.

Date __________________________

Reviewer __________________________

Signature __________________________

CERTIFICATE OF MAILING

Signature __________________________
I certify that on this date I mailed a legible copy of this report to the donor, in accordance with the mailing procedure set out on the reverse of this report.

____________________, ______
Date
Laboratory employee:

____________________  ___________________
Print name  Signature

PROCEDURE
(To be printed on the reverse side of report)

1. The laboratory named on the front of this report is a laboratory authorized by the director of the laboratory division of the health department to perform blood and alcohol tests. The agency has established formal procedures for receipt, handling and testing of blood samples to assure integrity of the sample, a formal procedure for conduct and report of the chemical analysis of the samples by the gas chromatographic method (specify, if other method used) and quality control procedures to validate the analyses. The quality control procedures include semi-annual proficiency testing by an independent agency. The procedures have the general acceptance and approval of the scientific community, including the medical profession, and of the courts, as a means of assuring that a chemical analysis of a blood sample that accurately discloses the concentration of alcohol in the blood. The same procedures are applicable for samples other than blood if submitted for alcohol analysis. The analyst who conducts the analysis in this must meet the qualifications required by the director of this laboratory to properly conduct such analyses. The supervisor of analysts must also be qualified to conduct such analyses.

2. When a blood sample is received at the laboratory, the receiving employee examines the sample container and:
   (a) determines that it is a standard container of a kit approved by the director of the laboratory;
   (b) determines that the container is accompanied by this report, with Part A completed;
   (c) determines that the donor’s name and the date that the sample was taken have already been entered on this report and on the container and that they correspond;
   (d) makes a log entry of the receipt of the sample and of any irregularity in the condition of the container or its seals;
   (e) places a laboratory number and the date of receipt on the log, on the container, and on this report, so that each has the same laboratory number and date of receipt;
   (f) completes and signs the Certificate of Receiving Employee, making specific notations as to any unusual circumstances, discrepancies, or irregularities in the condition or handling of the sample up to the time that the container and report are delivered to the analysis laboratory;
   (g) personally places the container with this report attached in a designated secure cabinet for the analyst or delivers it to the analyst.

3. When the blood sample is received by the analyst, the analyst:
   (a) makes sure the laboratory number on the container corresponds with the laboratory number on this report;
   (b) makes sure the analysis is conducted on the sample which accompanied this report at the time the report was received by the analyst;
   (c) conducts a chemical analysis of the sample and enters the results on this report;
   (d) retains the sample container and the raw data from the analysis;
   (e) completes and signs the Certificate of Analyst, noting any circumstance or condition which might affect the integrity of the sample or otherwise affect the validity of the analysis;
   (f) delivers this report to the reviewer.

4. The reviewer checks the calculations of the analysis, examines this report, signs the Certificate of Reviewer, and delivers the report to a laboratory employee for distribution.

5. An employee of the agency mails a copy of this report to the donor at the address shown on this report, by depositing it in an outgoing mail container which is maintained in the usual and ordinary course of business of the laboratory. The employee signs the certificate of mailing to the donor, and mails the original of this report to the submitting law enforcement agency.

6. The biological sample will be retained by the testing laboratory for a period of at least six (6) months pursuant to regulations of the scientific laboratory division.

USE NOTE
1. This form, after appropriate modifications, may also be used for controlled substance and other test reports.

9-403
[Section 31-15-7 NMSA 1978. For use in the District Court, Magistrate Court and Metropolitan Court]

STATE OF NEW MEXICO
COUNTY OF__________ COURT

No._____

[STATE OF NEW MEXICO]
[COUNTY OF__________]

v.

____________________, Defendant

ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

Name:_____________  DOB:_________  Age:_________
AKA:__________  Sex: Male Female  SSN:_________
Address:_____________  Phone:_________
Charges:_____________________
DC#_____________  MC#_________
Lives alone:___  Lives with: spouse ___  children ___  parent ___  friend ___  other ___
Marital status: Single ___  Married ___  Divorced ___  Separated ___  Widowed ___
Number of dependents in household: [ ] Defendant is in jail. [ ] Defendant is not in jail.
PRESUMPTIVE ELIGIBILITY:
___ I currently do not receive public assistance.
___ I currently receive the following type of public assistance in this County:

DEPARTMENT OF HEALTH CASE MANAGEMENT SERVICES (DHMS) $_________
AFDC $_________
Food Stamps $_________
Medicaid $_________
DSI $_________
Public Housing $_________

NET INCOME:  SELF:  SPOUSE:

Employer’s Name:______________________  Wages:_________
Employer’s Phone:______________________
Pay Period: (weekly, every second week, twice monthly, monthly)
Net take home pay (salary wages minus deductions required by law) $_________  $_________
Other income sources
(please specify)

$ ____________________ $ ____________________

SCREENING USE ONLY

TOTAL ANNUAL INCOME

$ ____________________ + $ ____________________ = / / A

ASSETS:
Cash on hand $ ____________________ $ ____________________
Bank accounts $ ____________________ $ ____________________
Real estate (equity) $ ____________________ $ ____________________
Motor vehicles (equity) $ ____________________ $ ____________________
Other personal property (equity):
(describe and set forth equity) $ ____________________ $ ____________________

SCREENING USE ONLY

TOTAL ASSETS

$ ____________________ + $ ____________________ = / / B

EXCEPTIONAL EXPENSES (total exceptional expenses of
dependents):
Medical expenses (not covered by insurance) $ ____________________
Court-order support payments/alimony $ ____________________
Child-care payments (e.g. day care) $ ____________________
Other (describe) $ ____________________

SCREENING USE ONLY

TOTAL EXCEPTIONAL EXPENSES

$ ____________________) = / / C

I UNDERSTAND THAT IF IT IS DETERMINED THAT I AM
NOT INDIGENT, I MAY APPEAL TO THE COURT WITHIN
TEN (10) DAYS AFTER THE DATE I AM ADVISED OF THIS
DECISION.

I wish to appeal.
I do not wish to appeal.

GUIDELINES FOR DETERMINING ELIGIBILITY

Pursuant to Section 31-15-7 NMSA 1978, the following guide-
lines are established for determination of indigency and eligi-
bility for public defender services.

I. APPLICATION FEE

A person shall pay a non-refundable application fee for each case
in the amount set in Section 35-15-12 NMSA 1978 at the time the
person applies with the public defender for representation. The
application fee may be waived when an applicant is homeless or
incarcerated and unable to pay the fee.

II. PRESUMPTION OF INDIGENCY

An applicant is presumed indigent if the applicant is a current
recipient of state or federally administered public assistance pro-
grams for the indigent: temporary assistance for needy families
(TANF), general assistance (GA), supplemental security income
(SSDI), social security disability income (SSDI), food stamps, med-
icaid, disability security income (DSI), public assisted housing
or Department of Health, Case Management Services (DHMS).
Proof of assistance must be attached to the application and no
further inquiry is necessary. Home equity, etc. is not to be taken
into account if the applicant is a current recipient of one of the
six programs described above.

If the interviewer is unable to complete the indigency application
or believes the information to be unreliable because of communi-
cation or other problems associated with a mental disability of the
applicant, indigency will be presumed. If because of the mental
disability of the applicant, the interviewer is unable to complete
the indigency application or believes the information is unreliable,
the Department of Health, Case Management Services (DHMS)
section should be checked.

III. FINANCIAL RESOURCES

If the applicant is not presumptively indigent, the screening
agent shall examine the financial resources of the applicant with
consideration given to:

- Net Income, Paragraph A;
- Assets, Paragraph B; and
- Exceptional Expenses, Paragraph C.

A. Net Income

The screening agent shall include total salary and wages for the
applicant and the applicant’s spouse minus deductions required by
law (FICA, state and federal withholding). In order to calculate
the salary of an individual, the screening agent shall use one of
the two methods:

1. if the individual is presently unemployed, the screening
agent shall ask about employment during the twelve (12) months
preceding the interview date and calculate the amount of money
earned during such twelve (12) months. Proof of this income
must be attached to the application; or

2. if the individual is presently employed, the screening agent
shall review the

BAR BULLETIN - December 16, 2004 - Volume 43, No. 50 21
shall project the current income for twelve (12) months into the future. Proof of this income must be attached to the application. If the applicant is unemployed and has no income, the screening agent shall inquire as to how the applicant “gets by”. Proof of income is not required but responses must be documented on the eligibility form (i.e. eats on soup line, street person, sleeps in car, etc.) and some proof of how the individual lives must be provided if available, i.e., lives with someone providing support, lives on the street (must provide some proof of assistance from homeless shelters or other street assistance providers). If the applicant gets by on “odd jobs”, the income from the odd jobs must be verified. Zeros will not be accepted for income. If there is no income, an explanation is needed as to why there is no income and documentation is needed that sets forth the reason for no income.

(3) Any person that has been incarcerated for six (6) months or more is also presumed to be indigent. Proof must be provided, i.e., proof of incarceration, jail release form. An individual incarcerated in a Department of Corrections facility in any state automatically qualifies.

Net income shall include, but not be limited to social security payments, union funds, veteran’s benefits, worker’s compensation, unemployment benefits, regular support from any absent family member, public or private employee pensions, or income from dividends, interests, rents, estates, trusts or gifts. If the applicant lives alone but receives rent from a family member, the rent shall be considered as regular support from the applicant’s family and shall be included as income.

The income of a spouse must be included in the calculation of income even though the applicant and the applicant’s spouse are not living in the same household unless:

(a) the applicant and the spouse are legally separated (must provide proof of legal separation); or
(b) the spouse is an alleged victim of the applicant or complaining witness against the applicant.

B. Assets

The screening agent shall consider all assets of the applicant and the applicant’s spouse that are readily convertible into cash within a reasonable period of time. Assets include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit and tax refunds. Real estate shall be valued at fair market value less any outstanding obligations against the property.

C. Exceptional Expenses

The screening agent shall consider any unusual expenses of the applicant and the applicant’s legal dependents that would, in all probability, prohibit the applicant from being able to secure private counsel. The following expenses are not exceptional expenses: rent, food, utilities, gas money, consumer loans and student loans. Exceptional expenses shall include, but not be limited to, costs for medical care, family support obligations and child care payments.

In order to be included as an exceptional expense:

(1) the cost of medical care cannot be covered by insurance;
(2) family support expense obligations must be court ordered and actually paid on a regular basis; and
(3) child care must be paid on a regular basis. If the applicant says that child support is paid when the applicant can, the payments do not qualify as exceptional expenses.

The applicant must provide proof of the exceptional expense incurred and proof that payment is being made on a regular basis. If proof is provided, the regular monthly payment for the exceptional expense is multiplied by twelve (12) months and the calculated amount can be deducted from total income.

Other exceptional expenses shall include: payroll garnishments, internal revenue service claims, court ordered attorney fees or other court ordered payments and funeral expenses not covered by insurance.

An approved filing from a bankruptcy proceeding of a potential client can be considered in determining indigency.

IV. INDIGENCY FORMULA

An applicant is indigent if the applicant’s available funds do not exceed one hundred fifty percent (150%) of the current federal poverty guidelines established by the United States Department of Labor.

The screening agent shall calculate the amount of available funds by adding the total for net income for the household (Column A) together with the total for assets for the household (Column B) and subtracting the total for exceptional expenses (Column C). If the available funds exceed one hundred fifty percent (150%) of the applicable federal poverty level guideline, the applicant is not indigent.

If the applicant does not know the applicant’s spouse’s income or assets the applicant is presumed not indigent and is not eligible for free representation unless the applicant produces the necessary information within two (2) working days after the interview.

V. APPEAL

If the applicant is found by the screening agent or the court not to be indigent, the applicant may appeal the decision to the district defender in those districts with public defender offices. If the applicant wishes to appeal the decision of the district defender, the applicant shall appeal to the district court. In those districts without public defender offices, the applicant may appeal directly to the court. If the applicant wishes to appeal a finding that the applicant is not indigent:

(1) in those districts with district public defender offices, the screening agent shall notify the public defender of the appeal;
(2) in those districts without public defender offices, the screening agent shall notify the court of the appeal.

All appeals shall be filed within ten (10) working days after the date of the decision.

VI. REIMBURSEMENT

Any applicant who is ineligible for free representation but is unable to hire private counsel may sign a contract for public defender representation on a reimbursement basis. The reimbursement cost shall cover all charges for legal fees, expert witness, and private investigation costs. Reimbursement fees shall be governed by the schedule adopted by the Public Defender Department.

First payment under a reimbursement contract shall be due thirty (30) days from the date of execution of the contract. If the applicant is incarcerated on the date of execution of the contract, the date of payment shall be thirty (30) days from the date of the applicant’s release from incarceration.

If a court enters an order appointing the Public Defender Department to represent a defendant and ordering the defendant to reimburse the state for representation, the defendant shall execute a contract for reimbursement in the appropriate amount under the department’s schedule. If the defendant fails to execute a reimbursement contract, the order of appointment shall be forwarded to Public Defender administration for collection along with the documentation stating the amount owing for representation. If the defendant refuses to provide information necessary to determine net income or eligibility, the reimbursement fee shall be the maximum contract rate allowable for the crimes charged under the schedule set by the department.
VII. NEW CHARGES
If an applicant has applied for public defender services within six (6) months prior to the filing of new charges or a probation violation, completion of a new eligibility determination form is not necessary, but the applicant shall be required to pay the application fee. A copy of the last eligibility determination form should be placed in the new file being opened. If an applicant has applied for public defender services and been found eligible more than six (6) months prior to the filing of new charges or a probation violation, completion of a new eligibility determination form is necessary. An applicant must pay the application fee for each case for which the applicant seeks representation regardless of whether completion of a new eligibility documentation form is required, unless the fee has been waived.

10-408
[For use with Children’s Court Rule 10-205 NMRA]
STATE OF NEW MEXICO
_________________________
COUNTY
_________________________
JUDICIAL DISTRICT
IN THE CHILDREN’S COURT
No. ____________
IN THE MATTER OF
_________________________
A CHILD
ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES
CHILD’S NAME: __________________ D.O.B.: __________
AGE: __________________ SEX: M F SS#: __________
AKA: __________________ PHONE: __________
CHILD’S ADDRESS: __________________
*P/G/C ADDRESS: ______________ PHONE: __________
*P/G/C ADDRESS: ______________ PHONE: __________
CHARGES:
CHILD LIVES WITH: PARENTS ___ GUARDIAN ___
CUSTODIAN __ FRIEND ___ OTHER ___
PARENT’S MARITAL STATUS: SINGLE ___ MARRIED ___
DIV. ___ SEP. ___ WIDOWED ___
NUMBER OF DEPENDENTS IN HOUSEHOLD: ______
[ ] Child is in custody.
[ ] Child is not in custody.
PRESumptive Eligibility:
___ Parents/guardian/custodian does not receive public assistance.
___ Parents/guardian/custodian receives the following type of
public assistance in ______________ County:
DEPARTMENT OF HEALTH CASE MANAGEMENT
SERVICES (DHMS) AFDC $_______ Food Stamps
$_______ Medicaid $_______ DSI $_______ Public Housing
$_______
NET INCOME: CHILD

PARENTS, GUARDIANS OR CUSTODIANS
Employer’s name $_______ $_______
Employer’s phone $_______ $_______
Pay period (weekly, every second week, twice monthly, monthly)
$_______ $_______
Net take home pay (salary/wages minus deductions required)

by law)
Other income sources (please specify) $_______ $_______

TOTAL ANNUAL
INCOME $_______ + $_______ = / / A

ASSETS:
Cash on hand $_______ $_______
Bank accounts $_______ $_______
Real estate Equity $_______ $_______
Motor vehicles Equity $_______ $_______

Other personal property: (describe)

TOTAL ASSETS $_______ + $_______ = / / _ B

EXCEPTIONAL EXPENSES (total exceptional expenses of parent, guardian, custodian):

Medical Expenses (not covered by insurance) $_______
Court-order support payments/ alimony $_______
Child-care payments (e.g. day care) $_______
Other (describe) $_______

TOTAL EXCEPTIONAL EXPENSES $_______ = / / _ C

**“P/G/C” means parent(s)/guardian/custodian
STATE OF NEW MEXICO
COUNTY OF ______________

This statement is made under oath. I hereby state that the above information is correct to the best of my knowledge. I hereby authorize the screening agent, district defender and the court to obtain information regarding my financial condition from financial institutions, employers, relatives, the internal revenue service and other state agencies.

Date ______________

Signatures of parents guardian/custodian
Signature __________________
State of ____________________
SS __________________
County of __________________

Signed and sworn to (or affirmed) before me on ______________ (date) by __________________ (name of parent, guardian or custodian).

Notary

(Seal, if any) My commission expires:

I UNDERSTAND THAT IF IT IS DETERMINED THAT I AM NOT INDIGENT, I MAY APPEAL TO THE CHILDREN’S COURT WITHIN TEN (10) DAYS AFTER THE DATE I AM ADVISED OF THIS DECISION.

[ ] I wish to appeal.
[ ] I do not wish to appeal.
I state upon my oath or affirmation that this document and the
financial and other statements in it are true and correct to the best of my information and belief. I hereby authorize the screening agent, district defender and the court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies.

Date: ____________________________

STATE OF NEW MEXICO )
COUNTY OF _____________ )
Signed and sworn to before me this _____________ day of __________________, ________________.

___________________________
Notary
My commission expires: ____________

SCRENNING USE ONLY
COLUMN “A” (net income) plus COLUMN “B” (assets) minus COLUMN “C” (exceptional expenses) = AVAILABLE FUNDS

____ The parent(s)/guardian/custodian is indigent.
____ The parent(s)/guardian/custodian is not indigent.
____ The parent(s)/guardian/custodian (has) (have) (has not) (have not) paid the statutory indigency application fee.
____ The applicant [has] [has not] paid the statutory application fee.

Receipt number: __________________

Signature of screening agent  Title
Based on the above answers and information, I find that the applicant (is) (is not) indigent.

(Complete the following only if the court has determined the child is unable to pay the statutory application fee).

____ I find that the child is unable to pay the statutory indigency application fee, and I therefore waive the payment of the indigency application fee.

Judge or authorized designee

GUIDELINES FOR DETERMINING ELIGIBILITY
Pursuant to Sections 31-15-7 and 32A-2-30 NMSA 1978 the following guidelines are established for determination of indigency and eligibility for public defender services in juvenile cases.

I. APPLICATION FEE
A person shall pay a non-refundable application fee for each case in the amount set in Section 35-15-12 NMSA 1978 at the time the person applies with the public defender for representation. The application fee may be waived when an applicant is homeless or incarcerated and unable to pay the fee.

II. PRESUMPTION OF INDIGENCY
A parent(s), guardian or custodian is presumed indigent if the parent(s), guardian or custodian is a current recipient of a state or federally administered public assistance program for the indigent: temporary assistance for needy families (TANF), general assistance (GA), supplemental security income (SSI), social security disability income (SSDI), food stamps, medicaid, disability security income (DSI), public assisted housing or department of health case management services (DHMS). Proof of assistance must be attached to the application and no further inquiry is necessary. Home equity, etc. is not to be taken into account if the parent(s), guardian or custodian is a current recipient of one of the six programs described above. If the child is in the physical custody of the Human Services Department, the parent(s), guardian or custodian is presumed indigent and no further inquiry is necessary.

If the interviewer is unable to complete the indigency application or believes the information to be unreliable because of communication or other problems associated with a mental disability of the child, indigency will be presumed until the child’s competency to stand trial and indigency is determined by the public defender or court. If because of the mental disability of the child, the interviewer is unable to complete the indigency application or believes the information is unreliable, the Department of Health case management services (DHMS) section should be checked.

III. FINANCIAL RESOURCES
If the parent(s), guardian or custodian is not presumptively indigent, the screening shall examine the financial resources of the parent(s), guardian or custodian with consideration given to:

Net Income, Paragraph A;
Assets, Paragraph B; and
Exceptional Expenses, Paragraph C.

A. Net Income
The screening agent shall include total household salary and wages of the child and the parent(s), guardian and custodian of the child who have a legal obligation of support to the child, minus deductions required by law (FICA, state and federal withholding).

In order to calculate the salary of an individual, the screening agent shall use one of the two methods:

(1) if the individual is presently unemployed, the screening agent shall ask about employment during the twelve (12) months preceding the interview date and calculate the amount of money earned during such twelve (12) months. Proof of this income must be attached to the application; or

(2) if the individual is presently employed, the screening agent shall project the current income for twelve (12) months into the future. Proof of this income must be attached to the application. If the parent(s), guardian or custodian is unemployed and has no income, the screening agent shall inquire as to how the parent(s), guardian or custodian “gets by”. Proof of income is not required, but responses should be documented on the eligibility form (i.e., eats on soup line, street person, sleeps in car, etc.) and some proof of how the individual lives must be provided if available, i.e., lives with someone providing support, lives on the street (must provide some proof of assistance from homeless shelters or other street assistance providers). If the parent(s), guardian or custodian gets by on “odd jobs”, the income from the odd jobs must be verified. Zeros will not be accepted for income. If there is no income an explanation is needed as to why there is no income and documentation is needed that sets forth the reason for no income.

(3) Any person that has been incarcerated for six (6) months or more is also presumed to be indigent. Proof must be provided, i.e., proof of incarceration, jail release form. An individual incarcerated in a Department of Corrections facility in any state automatically qualifies. Net income shall include, but not be limited to: social security payments, union funds, veteran’s benefits, workers’ compensation, unemployment benefits, regular support from any family member, public or private employee pensions, or income from dividends, interests, rents, estates, trusts or gifts. If the child lives alone but receives food or rent from a family member, the food or rent shall be considered as regular support from the child’s family and shall be included as income.

The income of each of the child’s parent(s), guardians or custodians who have a legal obligation to support the child must be included in the calculation of income even though the child is not living in the same household.

B. Assets
The screening agent shall consider all household assets of the parent(s), guardians and custodians of the child that are readily convertible into cash within a reasonable period of time. Assets include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. Real estate shall be valued at fair market value less any outstanding obligations against the property.

C. Exceptional Expenses

The screening agent shall consider any unusual expenses of the parent(s)/guardian/custodian that would, in all probability, prohibit the parent, guardian or custodian from being able to secure private counsel. The following expenses are not exceptional expenses: rent, food, utilities, gas money, consumer loans and student loans. Exceptional expenses shall include, but not be limited to, costs for medical care, family support obligations and child care payments. In order to be included as an exceptional expense:

1. the cost of medical care cannot be covered by insurance;
2. family support expense obligations must be court ordered and actually paid on a regular basis; and
3. child care must be paid on a regular basis.

If the parent(s)/guardian/custodian says that child support is paid when the parent(s)/guardian/custodian can, the payments do not qualify as exceptional expenses.

The parent(s)/guardian/custodian must provide proof of the exceptional expense incurred and proof that payment is being made on a regular basis. If proof is provided, the regular monthly payment for the exceptional expense is multiplied by twelve (12) months and the calculated amount can be deducted from total income. Other exceptional expenses shall include: payroll garnishments, internal revenue service claims, court ordered attorney fees or other court ordered payments and funeral expenses not covered by insurance.

An approved filing from a bankruptcy proceeding of a potential client can be considered in determining indigency.

IV. INDIGENCY FORMULA

An applicant is indigent if the applicant’s available funds do not exceed one hundred fifty percent (150%) of the current federal poverty guidelines established by the United States Department of Labor. The screening agent shall calculate the amount of available funds by adding the total for net income for the household (Column A) together with the total for assets for the household (Column B) and subtracting the total for exceptional expenses (Column C). If the available funds exceed one hundred fifty percent (150%) of the applicable federal poverty level guideline, the applicant is not indigent.

If a parent, guardian or custodian does not know the income or assets of all other persons who are legally responsible for the child’s support, the child is presumed not indigent and is not eligible for free representation unless the parent, guardian or custodian produces the necessary information within two (2) working days after the interview.

V. APPEAL

If the parent(s)/guardian/custodian is found by the screening agent or the court not to be indigent, the parent(s)/guardian/custodian may appeal the decision to the district defender in those districts with public defender offices. If a parent(s), guardian or custodian wishes to appeal the decision of the district defender, the parent(s), guardian or custodian shall file a notice of appeal in the district court. In those districts without public defender offices the parent, guardian or custodian may appeal directly to the court. If the parent, guardian or custodian wishes to appeal a finding that the parent, guardian or custodian is not indigent:

1. in those districts with district public defender offices, the screening agent shall notify the public defender of the appeal;
2. in those districts without public defender offices, the screening agent shall notify the court of the appeal.

All appeals shall be filed within ten (10) days after the date of the decision.

VI. REIMBURSEMENT

A parent, guardian or custodian applicant who is ineligible for free representation but is unable to hire private counsel may sign a contract for public defender representation on a reimbursement basis. The reimbursement cost shall cover all charges for legal fees, expert witness, and private investigation costs. Reimbursement fees shall be governed by the schedule adopted by the Public Defender Department.

First payment under a reimbursement contract shall be due thirty (30) days from the date of execution of the contract and note. If the parent(s), guardian or custodian fails to complete a contract, the order of appointment with reimbursement shall serve as notice for collection if payments are not made. If this is the case, a copy of the order of appointment and a copy of the application shall be sent to the administration office instead of the contract and note.

VII. NEW CHARGES

If a child has applied for public defender services within six (6) months prior to the filing of new charges or a probation violation, completion of a new eligibility determination form is not necessary, but the parent, guardian or custodian shall be required to pay the application fee. A copy of the last eligibility determination form should be placed in the new file being opened. If a child has applied for public defender services and been found eligible more than six (6) months prior to the filing of new charges or a probation violation, completion of a new eligibility determination form is necessary. A parent, guardian or custodian must pay the application fee for each case for which the child seeks representation regardless of whether completion of a new eligibility documentation form is required, unless the fee has been waived.
NO. 04-8300
IN THE MATTER OF THE AMENDMENTS OF RULE 17-202 NMRA OF THE RULES GOVERNING DISCIPLINE

ORDER

WHEREAS, this matter came on for consideration by the Court upon recommendation of the Disciplinary Board to amend Rule 17-202 of the Rules Governing Discipline, and the Court being sufficiently advised, Chief Justice Petra Jimenez Maes, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Richard C. Bosson, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is ADOPTED and the amendments of Rule 17-202 of the Rules Governing Discipline hereby are APPROVED;

IT IS FURTHER ORDERED that the amendments of Rule 17-202 of the Rules Governing Discipline shall be effective immediately;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of the above-referenced rule by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 30th day of November, 2004.

Chief Justice Petra Jimenez Maes
Justice Pamela B. Minzner
Justice Patricio M. Serna
Justice Richard C. Bosson
Justice Edward L. Chávez

A.  Registration statement.  Within three (3) months of admission to practice in this state, and, thereafter, on or before January 1 of every year, every attorney admitted to practice in this state shall submit to the state bar and to the clerk of the Supreme Court, on forms provided by the state bar and approved by the Supreme Court, a registration statement setting forth the address of record, and such other information as the Supreme Court may from time to time direct.  The attorney’s “address of record” is the attorney’s official address for service of notices, pleadings, papers and information.  The “address of record” is a public record and upon request will be provided to any member of the public.  The attorney may also maintain a separate address with the state bar for purposes of publications of the state bar and solicitations.  In addition to the annual registration statement, every attorney shall file a supplemental statement with the state bar and with the clerk of the Supreme Court showing any change in the information previously submitted within thirty (30) days of such change.

* * *

B.  Disposition prior to formal investigation.  If the complaint does not set forth allegations which, if true, state reasonable cause to believe that a respondent-attorney has violated the Rules of Professional Conduct, a disciplinary counsel staff attorney may dismiss the complaint, provided that all doubts shall be resolved in favor of conducting a formal hearing.  Within thirty (30) days after receipt of a complaint, if the allegations are serious enough to warrant a formal investigation the office of disciplinary counsel shall notify the respondent-attorney of the nature of the complaint.  Upon good cause shown to the Supreme Court, the court may order the delay in notifying the respondent-attorney of the pending investigation.  Upon the request of any person affected by a dismissal, or sua sponte, the chair of the Disciplinary Board or a board member designated by the chair may, at any time, order further investigation of a complaint that has been dismissed by a disciplinary counsel staff attorney.

* * *

[As amended, effective January 1, 1987; January 1, 1997; November 30, 2004.]
NEEDED: LAWYERS FOR THE HOMELESS LEGAL CLINIC (HLC)
Operated by the Young Lawyers Division Of The State Bar

The HLC is open every Friday from 9:00 a.m. to 12:00 noon in an office provided by Healthcare for the Homeless at 1st and Mountain Rd. NW in Albuquerque. Volunteer attorneys who staff the Clinic meet with an average of three to four interviewees each session and provide legal information, advice and referrals to low income/pro bono legal service programs in Albuquerque. The HLC is covered by a malpractice insurance policy through the State Bar of New Mexico and you will be assisted by a trained attorney until you feel comfortable staffing the clinic by yourself. Staffing the HLC is a gratifying experience and a rewarding way to spend a Friday morning. Even if you are a new lawyer, you will be surprised at how much you have to offer these clients.

HLC SIGN UP FORM
Please check the appropriate box(es):

☐ Staff the HLC on Fridays from 9:00 a.m. to 12:00 p.m. This service is most needed. In many instances, the problems of the interviewees can be resolved at the Clinic, which is fully equipped with a telephone, computer with internet access, printer, New Mexico statutes and standard office supplies, as well as resource materials and manuals that address specific issues that the homeless face. I am available to staff the clinic. Call me to schedule a date.

☐ Serve as an "information referral source" to assist clinic attorneys in answering questions for clients in specialized areas of the law such as domestic relations, criminal law, landlord/tenant law, government benefits, and consumer law. I am available as an information resource, which means that volunteers staffing the HLC can call me with questions (please check box below).

☐ Become a part of our pro bono referral list to take on cases that cannot be resolved during the limited time period the clinic provides. I would like to be placed on the pro bono referral list (please check box below).

Name:________________________________________________________________________
Address:______________________________________________________________________

Telephone:__________________________ Fax:___________________________________

Email:________________________________________________________________________

Please check the areas of law that you would be able to assist with:

☐ Domestic Relations  ☐ Criminal Law  ☐ Government Benefits
☐ Consumer Law  ☐ Landlord/Tenant  ☐ Immigration
☐ Civil Rights  ☐ Tort  Other _________________

PLEASE RETURN TO:
SEAN OLIVAS, c/o KELEHER & MCLEOD, P.A., P.O. DRAWER AA, ALBUQUERQUE, NM 87103; fax: 346-1370.
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 ________________________________________________________________
Telephone _______________________________ Email address __________________________

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>
<th>Sierra Vista Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cibola High School</td>
<td>7 Bar Elementary</td>
</tr>
<tr>
<td>Taylor Middle School</td>
<td>Chamiza Elementary</td>
</tr>
<tr>
<td>L.B. Johnson Middle School</td>
<td>Petroglyph Elementary</td>
</tr>
<tr>
<td>James Monroe Middle School</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEL NORTE CLUSTER</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Del Norte High School</td>
<td>E. G. Ross Elementary</td>
</tr>
<tr>
<td>Cleveland Middle School</td>
<td>Bel-Air Elementary</td>
</tr>
<tr>
<td>McKinley Middle School</td>
<td>Governor Bent Elementary</td>
</tr>
</tbody>
</table>

* Circle the grade level you are interested in assisting with: 1 2 3 4 5 6 7 8 9 10 11 12
The Board of Bar Commissioners and staff would like to express our appreciation to the 2004 section chairs whose terms expire on December 31, 2004. We welcome the volunteers who will serve as chairs in 2005.

<table>
<thead>
<tr>
<th>Section</th>
<th>2004 Chair</th>
<th>2005 Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate Practice</td>
<td>Frances C. Bassett</td>
<td>Steven L. Tucker</td>
</tr>
<tr>
<td>Bankruptcy Law</td>
<td>Ronald E. Holmes</td>
<td>Alice Nystel Page</td>
</tr>
<tr>
<td>Business Law</td>
<td>Cheryl Pick Sommer</td>
<td>Bradley D. Tepper</td>
</tr>
<tr>
<td>Children’s Law</td>
<td>Linda Yen</td>
<td>Anthony J. Ferrara</td>
</tr>
<tr>
<td>Commercial Litigation</td>
<td>Thomas P. Gulley</td>
<td>Stephen J. Lauer</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>David G. Crum</td>
<td>Michael W. Kiernan</td>
</tr>
<tr>
<td>Elder Law</td>
<td>Elaine S. Wright</td>
<td>Kevin D. Hammar</td>
</tr>
<tr>
<td>Employment &amp; Labor Law</td>
<td>Eric R. Miller</td>
<td>Cindy J. Lovato-Farmer</td>
</tr>
<tr>
<td>Family Law</td>
<td>John D. Watson</td>
<td>Linda Ellison</td>
</tr>
<tr>
<td>Health Law</td>
<td>Jennifer L. Stone</td>
<td>John A. Bannerman</td>
</tr>
<tr>
<td>Indian Law</td>
<td>J. Pamela Ray</td>
<td>Rosemary Maestas-Swazo</td>
</tr>
<tr>
<td>Natural Resources, Energy</td>
<td>Brian Howard Lematta</td>
<td>Daniel W. Long</td>
</tr>
<tr>
<td>&amp; Environmental Law</td>
<td>Julie Ann Meade</td>
<td>Michael P. Sanchez</td>
</tr>
<tr>
<td>Prosecutors</td>
<td>Frank Murray</td>
<td>Frank Murray</td>
</tr>
<tr>
<td>Public Law</td>
<td>R. Max Best</td>
<td>James J. Widland</td>
</tr>
<tr>
<td>Real Property, Probate &amp; Trust</td>
<td>Beate Boudro</td>
<td>Brian Escobedo</td>
</tr>
<tr>
<td>Solo &amp; Small Firm Practitioners</td>
<td>Marjorie A. Rogers</td>
<td>Marjorie A. Rogers</td>
</tr>
<tr>
<td>Taxation</td>
<td>Richard J. Shane</td>
<td>Martin Esquivel</td>
</tr>
</tbody>
</table>

Section membership provides networking and educational opportunities in these areas of law and types of practices. Sign up by February 1 on the 2005 State Bar of New Mexico Dues and Licensing Form or join at any time online at www.nmbar.org.
Roger Eaton, David Martinez and Michael Hart are pleased to announce that

**BRUCE E. THOMPSON**

has joined the law firm of

**EATON, MARTINEZ & HART, P.C.**

Bruce has his J.D. from UNM School of Law and just completed his clerkship with Supreme Court Justice Edward L. Chávez.

He is gratefully accepting referrals in the areas of personal injury, civil rights and insurance bad faith.

Eaton, Martinez & Hart, P.C.
1801 Rio Grande Blvd., NW
(505) 343-1776

---

**Barry M. Diskant, M.D.**

*Fellow, American Academy of Disability Evaluating Physicians*

*Certified, American Board of Independent Medical Examiners*

*Diplomate, American Board of Pain Management*

Medical Evaluation Center, Inc.
1400 Central Ave, SE
Suite 2200
Albuquerque 87106
505-247-0481

- Impairment Evaluations
- Independent Medical Evaluations
- Multidisciplinary Physician Panel Evaluations

---

**WILLIAM LAZAR**

**APPELLATE PRACTICE**

505-988-7100 • lazar@nets.com

Stay current with an indexed, cumulative digest of 2004 N.M. cases, updated monthly by e-mail, free to bench and bar. Please contact me to subscribe.

---

**Roger Eaton, David Martinez and Michael Hart**

are pleased to announce that

**BRUCE E. THOMPSON**

has joined the law firm of

**EATON, MARTINEZ & HART, P.C.**

Bruce has his J.D. from UNM School of Law and just completed his clerkship with Supreme Court Justice Edward L. Chávez.

He is gratefully accepting referrals in the areas of personal injury, civil rights and insurance bad faith.

Eaton, Martinez & Hart, P.C.
1801 Rio Grande Blvd., NW
(505) 343-1776

---

**Barry M. Diskant, M.D.**

*Fellow, American Academy of Disability Evaluating Physicians*

*Certified, American Board of Independent Medical Examiners*

*Diplomate, American Board of Pain Management*

Medical Evaluation Center, Inc.
1400 Central Ave, SE
Suite 2200
Albuquerque 87106
505-247-0481

- Impairment Evaluations
- Independent Medical Evaluations
- Multidisciplinary Physician Panel Evaluations

---

**WILLIAM LAZAR**

**APPELLATE PRACTICE**

505-988-7100 • lazar@nets.com

Stay current with an indexed, cumulative digest of 2004 N.M. cases, updated monthly by e-mail, free to bench and bar. Please contact me to subscribe.
KERRY KIERNAN
EAVES, BARDAKCI, BAUGH, KIERST & LARSON, P.A.

- Trial Briefs
- Civil and Criminal Appeals
- "AV" Rated Martindale-Hubbell
- Appellate Practice Section Board Member
- Former Supreme Court Appellate Rules Committee Member

Phone: 505-888-4300
Email: kkiernan@eb-b.com
Fax: 505-883-4406

---

STEVE H. MIZER
Former Bankruptcy Trustee is now available for referrals and consultations.
Mr. Mazer is a state-certified bankruptcy specialist.

His office is located at:
122 Tenth St. NW
Albuquerque, NM 87102
Telephone: (505) 243-1112 or Fax (505) 243-2998

Mr. Mazer can also be contacted by e-mail at shmazer@nm.net
Free initial consultation provided.

---

CAROLYN J. BACA WATERS
formerly Carolyn J. Baca
former partner of the Reeves, Chavez, Albers, Anderson & Baca law firm

Is pleased to announce the opening of her own law firm at:
741 N. Alameda, Suite 8
Las Cruces, NM 88005
Telephone: 505-524-2992
Fax: 505-524-0477

Mrs. Waters will continue to handle family law matters,
adoptions, probate matters and wills.

---

MICHAEL B. LASKY
Former Attorney, Chaves County District Attorney
Former Assistant District Attorney, Las Cruces

112 Main St., Suite 200
Las Cruces, NM 88001
Telephone: (505) 524-3221
Fax: (505) 524-3222

---

JANE YOHALEM
Appeals Specialist
(505) 988-2826

You work too hard - get a massage!
ADVANCED BODYWORK
Gift Certificates - great rates
Kim O'Brion, MS, LMT #3582
269-8555

---

MEDATIONS
Wayne C. Wolf, Esq.
PO Box 30428
Albuquerque, New Mexico 87190
Telephone: (505) 888-6600

---

Visit the State Bar of New Mexico’s web site
www.nmbar.org
**Positions**

**Lawyer**  
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.

**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 other benefits associated with full-time employment. Applicant must have good interview skills and enjoy talking with people on the phone. Ideal position for those wanting part-time work. Please email resume to Mollie Griffith, GM at mollie@billgordon.com.

**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.

**Part-Time Attorney Position**  
Law firm looking for Attorney with general practice experience to do telephone interviews with potential clients. Applicant must have good interview and writing skills. Must be licensed in New Mexico. Please email resume to Mollie Griffith, GM at mollie@billgordon.com.

**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 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 & Slatery, LLP is a 9-attorney firm 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 organizations, to large corporations. Please reply by e-mail to freyes@simonsfirm.com or by fax to (505) 982-0185. All responses will be kept in confidence.

**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

**Lawyer**  
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@heardrobin.com.

**Attorney Position**  

**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, 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 Proposal

The Pueblo of Santa Ana is soliciting proposals from New Mexico-licensed attorneys and law firms interested in applying to serve as the Pueblo’s general counsel. The Pueblo, situated just north of the Town of Bernalillo, New Mexico, has a wide variety of commercial activities, governmental programs and other initiatives, as to which it frequently requires advice and representation. The Pueblo’s general counsel serves as attorney for the Pueblo and all of its governmental offices and agencies, and may also provide legal services to some or all of the Pueblo’s enterprise boards. The attorney or firm acting as general counsel must be accessible to Pueblo officials at all times, and be available to attend frequent meetings at the Pueblo and elsewhere on a variety of issues. Experience and expertise in the following areas, at a minimum, is required: all areas of federal Indian law (including Indian gaming and issues unique to New Mexico Pueblos); civil litigation in state and federal courts; commercial transactions, including leases and contracting, mortgage financing, public and private bond issues and the like; real estate transactions and law; drafting of statutes and regulations; corporate organization and governance; federal and state administrative law; federal and state taxation; natural resources, including water law, mineral leasing, environmental issues and the like; and governmental relations, including familiarity and experience in working with state and federal governmental agencies, the state legislature and its members and committees, Congress and its members and committees, and various federal agencies. The general counsel may also be required to work with various special counsel employed by the Pueblo and its agencies and enterprises on specific matters. The proposal for services must identify, and include a detailed resume for, each attorney (and other professional) who would provide services under the contract, specifying the types of services to be provided by each, and identifying the particular expertise or experience of each attorney in the areas listed above. It must also specify the rates to be charged for each person who will provide services, and the period of time during which such rates would be guaranteed, as well as specifying the types of out-of-pocket expenses for which the Pueblo would be liable under the contract. Each proposal must also describe the attorney’s or firm’s existing practice and clients sufficient to enable the Pueblo to evaluate the possibility of conflicts. Proposals must be submitted, in triplicate, to the Office of the Governor, ATTN: Nathan W. Tjosie, Business Specialist, Pueblo of Santa Ana, 02 Dove Road, Santa Ana Pueblo, New Mexico 87004, by no later than 4:30 p.m. on Friday the 28th of January, 2005. Selected applicants will be invited to meet with the Pueblo’s officers and its Tribal Council to present and discuss their proposals, and a final selection is expected to be made by the Tribal Council by the end of February, 2005 or thereafter. Anyone with questions concerning the foregoing solicitation should contact Nathan W. Tjosie, Business Specialist, at 505-771-6713.

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.caq.gov. Application deadline is December 24, 2004.

Attorney

Vigil & Vigil, P.A., an established AV rated Law Firm in Albuquerque, NM, seeks an Associate Attorney with 1-5 years experience and interest in Medical Malpractice, Products Liability, and General Negligence Litigation and Trial work for Plaintiffs’ practice. Please send resume, references and a writing sample to Vigil & Vigil, P.A., 2014 Central SW, Albuquerque, NM 87104.

Paralegal


Legal Assistant

Legal assistant with exp needed for growing Law Firm. Great Sal & Ben (hrl, 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 Albuquerque, NM 87120, fax 833-3040, or email admin@littledranttel.com.
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.

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: mdhearmnlegal@yahoo.com

Office Space

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

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. $750.00 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
Bear location in town, one block or less from the new federal, state, metropolitan courts. Lease includes secretarial space, phones and service, parking, library, janitorial, security, receptionist, runner. Contact Thomas Nance Jones, (505) 247-2972.

For Lease Downtown
This 1000 sq. ft. contemporary space is convenient to the courthouses on corner of 14th/Lomas. The 2 large offices have private courtyards and are wired for a network system. The receptionist area has a kitchenette area with plenty of room for office equipment. $995/mo plus utilities. Call Marilyn 440-7079.

Positions Wanted

Short-Term/Contract Work
New Mexico attorney seeks short-term or contract work (on-site or off) Albuquerque area. Full or part-time through summer 2005. Excellent researcher. Legal experience - just under two years includes: employment, tribal, Social Security, medical malpractice, administrative hearings. Contact: nmlawyer@ispwest.com.

Manager/Lawyer
New Mexico licensed attorney with LLM in Natural Resources & Environmental Law, and 20 years as law firm administrator seeks opportunity to work as either a manager or lawyer, or a combination of both skills either full or part-time. Short or longer term projects considered. Please contact Bill Sutherland at 505 400-1142, or email cwrunderlandiv@hotmail.com. Reasonable financial expectation.

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. Broadband 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.

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.

Downtown Santa Fe Office
3 rooms, large reception area with fireplace, one block from courthouses and post office. Call Jim Burke 988 4657.

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

Office Space
Season's Greetings
and a
Happy New Year

Rob Koonce, Director
797-6060
rkoonce@nmbar.org

Mary I. Patrick,
Program Coordinator
797-6059
mpatrick@nmbar.org

Laura Ferguson,
CLE Program Assistant
797-6073
lferguson@nmbar.org

Vince Chacon,
CLE Program Assistant
797-6061
vchacon@nmbar.org

Email: cle@nmbar.org • Phone: 797-6020 • Fax: 797-6071 • Web: www.nmbar.org

CENTER FOR
LEGAL
EDUCATION
NM STATE BAR FOUNDATION
Wishing you a happy holiday season with the best of everything in the coming year.

Union County Courthouse c. 1909, Clayton, New Mexico. From an original pen and ink drawing by Susan Blair-Hunt. Part of a collection established by ATKINSON & KELSEY, P.A.