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Special Insert:
CLE at-a-Glance

www.nmbar.org
Legal professionals know that growing a future begins now. A good start is selecting the right resource for a retirement plan for your firm. Your best option may be the cost-effective program that was created by lawyers for lawyers, and run by experts.

ABA Retirement Funds has been providing tax qualified plans for over 40 years. Today our program offers full service solutions including plan administration, investment flexibility and advice. Now we also offer our new Retirement Date Funds that regularly rebalance the fund’s assets based on your selected target retirement date. Plus, our program now accepts Roth 401(k) contributions from profit sharing plans that currently offer a 401(k) feature. Isn’t it time to start growing your future with the ABA Retirement Funds?

LEARN HOW YOU CAN GROW YOUR FUTURE WISELY

Call an ABA Retirement Funds Consultant at 1-877-947-2272 www.abaretirement.com

GET A FREE PLAN COST COMPARISON

Is your plan as cost-effective as it could be?

Just call 1-877-947-2272 for a custom cost comparison

For a copy of the Prospectus with more complete information, including charges and expenses associated with the Program, or to speak to a Program consultant, call 1-877-947-2272 or visit www.abaretirement.com or write ABA Retirement Funds P.O. Box 5342 • Boston, MA 02206-5342 • abaretirement@stateserveonline.com. Be sure to read the Prospectus carefully before you invest or send money. The Program is available through the State Bar of New Mexico as a member benefit. However, this does not constitute, and is in no way a recommendation with respect to any security that is available through the Program.11-2006
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.

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.
- Delivery of Legal Services to People with Disabilities – Provides information and assistance to ensure access to counsel for persons who have a disability.
- Diversity in the Legal Profession – Promotes opportunities for minorities in the legal profession and encourages participation by minorities in bar programs and activities.
- Historical – Acquires, maintains and submits for publication historical information relating to the bar.
- Law Office Management – Develops and provides resources for attorneys, especially solo and small firm practitioners and young lawyers, to more effectively manage law practices.
- Lawyers Assistance – Provides confidential peer assistance to State Bar members in need of help because of substance abuse, mental illness or emotional distress.
- Lawyers Professional Liability – Advises the State Bar regarding risk management activities.
- Legal Services and Programs – Facilitates cooperation and coordination of the legal services provided by various segments of the legal community and focuses on access to justice issues.
- Membership Services – Evaluates and makes recommendations regarding in-house programs. Advises the State Bar on alliance program agreements with vendors of products and services.
- New Mexico Medical Review Commission: Attorney and physician panel members screen medical malpractice claims.
- 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 – 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
OCTOBER 23RD VIDEO REPLAYS - STATE BAR CENTER

International Adoption
4.2 General, 2.5 Ethics CLE Credits
8:00 a.m. – 3:15 p.m.
❑ $209

What Every Lawyer Should Know About IP
2.7 General CLE Credits
8:30 a.m. – 11:15 p.m.
❑ $109

Lawyer As Problem Solver:
2007 Professionalism
1.0 Professionalism CLE Credit
12:30 p.m. – 1:30 p.m.
❑ $49

Success As A Lawyer and Judicial Elections (Excerpts from
2007 Annual Meeting)
0.7 General, 0.5 Ethics CLE Credits
2:00 p.m. – 3:15 p.m.
❑ $69

MEDICAL SCHOOL FOR ATTORNEYS

Wednesday and Thursday, October 24-25, 2007
State Bar Center, Albuquerque
12.0 General, 1.0 Ethics, and 1.0 Professionalism CLE Credits

Presenter: Harry Rein, JD, MD
❑ Standard Fee $495

Taught exclusively by the ONLY Doctor-Lawyer-Judge in the United States, Medical School for Attorneys will teach both plaintiff and defense lawyers the highlights of four years of medical school, how to develop effective trial themes, the ins and outs of examining medical witnesses, how to prevent pitfalls, why doctors think the way they do, and the latest medical trial techniques. Dr. Rein lectures internationally, practiced medicine for over 20 years, has been a trial lawyer for over 20 years, has tried medical cases throughout the U.S. for two decades and was a judge with the Nuclear Regulatory Commission for 12 years. The registration fee covers two full days of leading edge medical school instruction for trial application and reference materials on CD entitled Primer on Soft Tissue Injuries and Medical Malpractice Thoughtbook.

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.nmbarcle.org
MAIL: CLE, PO Box 92860, Albuquerque, NM 87199

Name ____________________________________________________________ NM Bar # _______________________________
Street ________________________________________________________________________________________________________
City/State/Zip _____________________________________________________________________________________________________
Phone ___________________________________ Fax ________________________________
E-mail ____________________________________________________________________________________________________________
❑ Purchase Order (Must be attached to be registered) ☐ Check enclosed $ ____________ Make check payable to: CLE
Credit Card # ____________ Exp. Date ____________
Authorized Signature ____________________________________________________________
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Professionalism Tip

With respect to the public and to other persons involved in the legal system:
I will keep current in my practice areas, and, when necessary, will associate with or refer my client to other more knowledgeable or experienced counsel.

Meetings

October

18 Health Law Section Board of Directors, noon, State Bar Center

18 Appellate Practice Section Annual Meeting, 1 p.m., State Bar Center

19 Trial Practice Section Board of Directors, noon, State Bar Center

24 Bankruptcy Law Section Board of Directors, noon, U.S. Bankruptcy Court, 13th floor conference room

25 Natural Resources, Energy and Environmental Law Section Board of Directors, noon, State Bar Center

State Bar Workshops

October

17 Lawyer Referral for the Elderly Workshop 10 a.m., Mora Senior Center, Mora

18 Lawyer Referral for the Elderly Workshop 10 a.m., Las Vegas Senior Center, Las Vegas

24 Consumer Debt/Bankruptcy Workshop 6 p.m., State Bar Center

25 Consumer Debt/Bankruptcy Workshop 5:30 p.m., Branigan Library, Las Cruces

26 Lawyer Referral for the Elderly Workshop 1:15 p.m., Meadowlark Senior Center, Rio Rancho

Cover Artist: Penny Thomas Simpson, an award-winning Alamogordo artist, works in acrylics, watercolors and colored pencil. She shows her work at Weem's Gallery in Albuquerque and has an annual booth at the Weem's Artfest in November. Simpson may be reached at pennyyartworks@charter.net or (505) 434-1953. To see the cover art in its original color, visit www.nmbar.org and click on Bar Bulletin.
NOTICES

COURT NEWS

N.M. Supreme Court
Board of Legal Specialization
Comments Solicited

The following attorneys are applying for certification or recertification 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, which provide that the names of those seeking to qualify shall be released for publication. Further, attorneys and others are encouraged to comment upon any of the applicants’ qualifications within 30 days after the independent inquiry and review process carried on by the board and appropriate specialty committee. Address comments to: New Mexico Board of Legal Specialization, PO Box 93070, Albuquerque, NM 87199.

Alan D. Gluth
Estate Planning, Trusts & Probate Law
Twila Braun Larkin
Family Law

Judicial Performance Evaluation Commission

Upcoming Meeting

The Judicial Performance Evaluation Commission was created by the New Mexico Supreme Court for the purpose of providing voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers. The Commission’s next regular meeting will be from 8 a.m. to 5 p.m., Oct. 26, at Clovis, for the purpose of interviewing judges in the 9th and 10th judicial districts.

Law Library

Open Monday–Friday, 8 a.m.–6 p.m. Closed Saturdays and Sundays Phone: (505) 827-4850 Fax: (505) 827-4852 E-mail: libref@nmcourts.com Web site: www.supremecourtlawlibrary.com

Second Judicial District Court
National Adoption Day

The 2nd Judicial District Court, Children’s Court Division, will be celebrating National Adoption Day on Nov. 17. Clients having an adoption pending in Bernalillo District Court are invited to participate. Contact Nancy Sandstrom in Judge M. Monica Zamora’s office, (505) 841-7392.

Santa Fe Municipal Court
Brown-Bag Lunch

Santa Fe Municipal Judge Ann Yalman invites all attorneys who practice in the Santa Fe Municipal Court to meet with her at Municipal Court at 11:30 a.m., Oct. 17, for a discussion of practices and procedures in the Municipal Court.

U.S. District Court for the District of New Mexico
Entry of Appearance Changes

Beginning Oct. 1, attorneys will no longer be able to self-associate to parties during the filing process in CM/ECF, except for the filing of initiating documents. All attorneys participating in a case who were not appointed by the Court or who do not appear in the initiating document, must file an entry of appearance. See D.N.M.LR-Civ.83.4 and D.N.M.LR-Cr.44.1. For more information, visit the Court’s Web site, www.nmcourt.fed.us.

STATE BAR NEWS

2007 Section Elections

Nominating committees have put forth their slate of candidates. Visit www.nmbar.org and select Divisions/Sections/Committees, Sections, Section Elections to view the candidates and their biographies. Members wishing to contest the positions may do so by completing a petition, also found on the Web site. The petition must be signed by at least 10 members of the section whose membership began at least 30 days prior to the commencement of the election. Should any of the positions be contested, ballots will be mailed by Nov. 9.

Appellate Practice Section
Annual Meeting

The Appellate Section will hold its annual membership meeting at 1 p.m., Oct. 18, at the Office of the State Engineer located in the Concha Ortiz y Pino Building, 130 South Capitol St., Santa Fe (across from the Bataan Building). The legal conference room is on the second floor, and there is parking immediately behind the building. Contact Chair Caren Friedman, cf@appellatecounsel.info or (505) 466-6418, to place an item on the agenda.

Attorney Support Group

The next Attorney Support Group meeting will be held at 5:30 p.m., Nov. 5, at the

Destruction of Exhibits and Tapes

Pursuant to the Judicial Records Retention and Disposition Schedules, exhibits or tapes filed with the court for the years and courts shown below, including but not limited to cases that have been consolidated, are to be destroyed. Cases on appeal are excluded. Counsel for parties are advised that exhibits and tapes can be retrieved by the dates shown below. Attorneys who have cases with exhibits, or who have cases with tapes and wish to have duplicates made, may verify exhibit or tape information with the Special Services Division for parties are advised that exhibits and tapes can be retrieved by the dates shown below. Attorneys who have cases with exhibits, or who have cases with tapes and wish to have duplicates made, may verify exhibit or tape information with the Special Services Division at the numbers shown below. Plaintiff(s) exhibits will be released to counsel of record for the plaintiff(s), and defendant(s) exhibits will be released to counsel of record for defendant(s) by Order of the Court. All exhibits will be released in their entirety. Exhibits and tapes not claimed by the allotted time will be considered abandoned and will be destroyed by Order of the Court.

<table>
<thead>
<tr>
<th>Judicial District Court</th>
<th>Exhibits and Tapes</th>
<th>Date to be Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Judicial District Court</td>
<td>Exhibits in criminal, civil, children’s court, domestic, incompetency/mental health and probate cases, 1973–1991</td>
<td>May be retrieved through Nov. 2</td>
</tr>
<tr>
<td>(505) 476-0196</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd Judicial District Court</td>
<td>Exhibits in criminal cases, 1977–1989</td>
<td>May be retrieved through Oct. 18</td>
</tr>
<tr>
<td>(505) 841-7596/5452</td>
<td>Exhibits in domestic cases, 1960–1991</td>
<td>May be retrieved through Nov. 29</td>
</tr>
</tbody>
</table>

9th and 10th Judicial Districts...
First United Methodist Church at Fourth and Lead SW, Albuquerque. The group meets regularly on the first Monday of the month. For more information, contact Bill Stratvert, (505) 242-6845.

**Board of Bar Commissioners Appointment to Client Protection Fund Commission**

The Board of Bar Commissioners will make one appointment to the Client Protection Fund Commission for a one-year term to begin Jan. 1, 2008. The Commission exists to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers. Members wishing to serve on the Commission should send a letter of interest and brief resumes by Oct. 31 to Executive Director Joe Conte, State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199-2860; or fax to (505) 828-3765.

**Election Notice**

Notice is hereby given that the 2007 election of six commissioners for the State Bar of New Mexico will be held Nov. 30 as provided for in Supreme Court Rule 24-101, Rules Governing the New Mexico Bar and the State Bar of New Mexico Bylaws, Article IV. Five positions are three-year terms, and one position is a one-year term.

Nominations to the office of State Bar commissioner shall be by the written petition of any 10 or more members of the State Bar who are in good standing and whose principal place of practice is the respective district. Members of the State Bar may nominate and sign for more than one candidate. Expiring terms, the nomination petition and more information are available in the Sept. 17 (Vol. 46, No. 38) issue of the *Bar Bulletin* or on-line at www.nmbar.org.

Nominations petitions are to be mailed to Executive Director Joe Conte, State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199-2860 and must be received by 5 p.m., Oct. 19, to allow for the reproduction of the ballots.

**Meeting Summary**

The Board of Bar Commissioners met Sept. 28 at the State Bar Center in Albuquerque. Action taken at the meeting follows:

- Accepted the July financials and executive summaries;
- Reviewed the accounts receivable aging report as well as the directors’ travel reimbursements and credit card file;
- Held an executive session to discuss a personnel issue;
- Accepted the RFP proposal from REDW for the 2007 financial audit and the 2009 budget audit;
- Approved the 2008 Budget Worksheet;
- Approved reducing the State Bar Center mortgage payment to revert to the original payment amount to increase reserves, which will result in the State Bar Center building being paid off in Oct. 2011 rather than Jan. 2010;
- Approved the 2008 Dues and Licensing Form with the new Supreme Court requirement to provide a street address;
- Approved amendments to the Senior and Young Lawyers divisions bylaws and the Committee Policy to incorporate a provision for an appeal to the Board of Bar Commissioners if CLE declines to co-sponsor a program; the amendments were made to make them consistent with the amendment to the section bylaws;
- Provided 30 days’ notice of an amendment to *State Bar Bylaws*, Article IX, Sections 9.1 and 9.2, Sections and Committees, clarifying that only licensed New Mexico attorneys can vote at section and committee meetings;
- Provided 30 days’ notice of an amendment to *State Bar Bylaws*, Article IX, adding Section 9.5, Commissions, to enable the president to create commissions;
- Approved an amendment to the *Finance Committee Policy* adding a provision for the committee to also act as an audit committee;
- Approved an amendment to *State Bar Bylaws*, Article XIII, Section 13.1, Appointments, adding the Access to Justice Commission, Civil Legal Services Commission and Client Protection Fund Commission to the State Bar’s appointments pursuant to statute;
- Approved amendments to the *Tax Section Bylaws* increasing the term of the chair and chair-elect to two years; it was noted that all of the section bylaws are inconsistent, so the Board requested the Bylaws and Policies Committee to develop a standard set of bylaws for the sections;
- Approved the revised Smoking at the Workplace Policy, which was amended to comply with the new state law requirement to permit smoking at a reasonable distance from the entrance to a public building;
- Approved the 2008 officers as follows: Jessica Perez, Secretary-Treasurer; Stephen Shanor, Vice President; and Henry Alaniz, President-elect;
- Approved the Children’s Law Section request to adopt *A Resolution Recognizing Juvenile Justice System Attorneys upon the 40th Anniversary of the U.S. Supreme Court’s Decision In re Gault*;
- Approved a resolution forwarding a proposed rule on reciprocity to the Supreme Court with the Board’s recommendation that a reciprocity rule be adopted with the inclusion of language that all attorneys admitted pursuant to the rule shall be subject to the same rules applicable to attorneys who take and pass the New Mexico bar exam;
- Approved a regulatory proposal to request the Supreme Court’s approval of rule modifications regarding liaison and committee appointments to the Supreme Court Standing Committees/Boards;
- Pursuant to the new sunset provision in the *State Bar Bylaws* for inactive sections/committees, approved the continuation of the Criminal Law Section for another five years, and approved the continuation of the Public Legal Education Committee until a commission on public legal education is created;
- Approved a request from the Board of Bar Examiners to appoint a liaison to the Board of Bar Commissioners;
- Appointed a committee to study and make a recommendation regarding monitoring the legislative process and identifying appropriate lobbying issues pursuant to Rule 24;
- Received the 2007 Board of Bar Commissioners election schedule for six positions on the Board; nomination petitions are due Oct. 19 and the ballots will be mailed out to the membership on Nov. 2; and
- Received the *New Mexico Medical Review Commission* 2006 Annual Report.

Note: The minutes in their entirety will be available on the State Bar’s Web site following approval by the Board at the Nov. 2 meeting.

**Casemaker and Excel Training**

- Plan to attend a one-hour Casemaker training (1.0 general CLE credit) from 2:30 to 3:30 p.m., Oct. 18, at the State Bar Center. Casemaker is free online legal research offered to active State Bar members and Paralegal Division members.
- A Basic Excel class will be held in the Computer Lab from 3:45 to 4:45 p.m.
sponsored by the Technology Committee. This program does not offer CLE credit. Call (505) 797-6000 to register. Indicate which program you wish to attend.

Health Law Section
Annual Meeting and CLE

The Health Law Section will hold its annual meeting at 12:45 p.m., Oct 18, in conjunction with the 2007 Health Law Symposium. All section members are encouraged to attend. Agenda items should be sent to Chair George Koinis, gfkoinis@swcp.com (505) 244-4110.

The cost of the CLE program is $179 and $169 for section members, government and legal services attorneys and paralegals. See the CLE At-A-Glance insert in the Sept. 17 (Vol. 46, No. 38) Bar Bulletin for more information. To register call (505) 797-6020; fax (505) 797-6071; visit www.nmbar.org and select CLE; or mail CLE, PO Box 92860, Albuquerque, NM 87199.

Natural Resources, Energy and Environmental Law Section
Annual Meeting and CLE

The Natural Resources, Energy and Environmental Law Section will hold its annual meeting at 12:15 p.m., Dec. 14, in conjunction with the CLE, Natural Resource Issues in Indian Country. Agenda items for the annual meeting should be sent to Chair Steve Hattenbach, steve.hattenbach@usda.gov, or (505) 248-6020.

Attendees at the CLE will earn 6.1 general, 1.0 ethics and 1.0 professionalism CLE credits. The cost of the CLE program is $229, and $219 for section members, government and legal services attorneys and paralegals. Lunch will be provided and a reception and law student/attorney mixer will be held after the CLE. To register call (505) 797-6020; fax (505) 797-6071; visit www.nmbar.org and select CLE; or mail CLE, PO Box 92860, Albuquerque, NM 87199.

Prosecutors Section
Annual Meeting

The Prosecutors Section will hold its annual membership meeting at noon, Nov. 15, at the State Bar Center. Lunch will be provided to those who R.S.V.P. by Nov. 13 to membership@nmbar.org. Contact Chair Stephen Kovach, skovach@da.state.nm.us, to place an item on the agenda.

Senior Lawyers Division
Nominating Committee Report

The report of the Senior Lawyers Division Nominating Committee follows. Additional nominations may be made in the form of a petition signed by at least 10 members of the Division. All members of the State Bar of New Mexico in good standing who are 55 years of age or older and who have practiced law for 25 years or more are members of the Division and are eligible for office.

A nomination petition form is included on page 12 of this issue. The petition must identify the position sought and state that the member has agreed to the nomination. The deadline for submission of petitions to the State Bar is Oct. 31.

If no additional nominations are received, the nominees listed below are deemed elected by acclamation. If additional nominations are received via nominating petition, ballots will be mailed to all members of the Division by Nov. 2.

Position #1
Term: 2008-2010
Nominee: Daniel J. Behles

Position #2
Term: 2008-2010
Nominee: John P. Burton

Position #3
Term: 2008-2010
Nominee: Joseph E. Gant, III

Position #4
Term: 2008-2010
Nominee: Virginia L. Ferrara

Position #5
Term: 2008-2010
Nominee: William J. Arland, III

Position #6
Term: 2008-2010
Nominee: Anita P. Miller

Solo and Small Firm Practitioners Section
Luncheon Practitioners Section Luncheon Presentation

Veronica Cordova will present *Wiki and the Web* at noon, Oct. 16, at the State Bar Center. Wiki’s are documents that can be written collaboratively and viewed in a Web browser. They can be open to the public or closed to private groups so documents can be shared and edited as needed. The use of Wiki’s will be demonstrated along with a sneak preview of the State Bar’s Web redesign.

Lunch will be served to those who R.S.V.P. by Oct. 15 to Tony Horvat, thorvat@nmbar.org or (505) 797-6033. Each attendee should bring a $5 check made payable to the State Bar Solo and Small Firm Practitioners Section to help defray the cost of the lunch. The board of directors will meet at 11:30 a.m.

Young Lawyers Division
Dismas House Project

The Young Lawyers Division is sponsoring the 2nd Annual Tools for Success Program for Dismas House, a transitional home with a family atmosphere for nonviolent parolees who are transitioning back into society. YLD is seeking volunteer attorneys to provide training sessions to Dismas House residents on Oct. 17 on *Restoration of Driver’s License*. Contact Briana Zamora, bhzamora@btblaw.com, to volunteer.

OTHER BARS
Albuquerque Bar Association
New Judges Reception

The Albuquerque Bar Association will sponsor a New Judges Reception from 4:30 to 7 p.m., Oct. 18, at the Hispanic Cultural Center. This event introduces newly sworn judges from New Mexico federal courts and state district courts, including all thirteen judicial districts. The judges from Bernalillo County Metropolitan Court are also recognized. The reception includes hors d’oeuvres and a no-host bar. There is no cost to attend.

Call for Nominations for Outstanding Lawyer and Outstanding Judge

The Albuquerque Bar Association is entertaining nominations for the Outstanding Attorney and Outstanding Judge of 2007. The award is presented to an outstanding lawyer or judge who has achieved professional excellence in his/her field or paved the way to success for others in the legal community. The awards will be presented at the luncheon meeting Dec. 4. Nominations...
Hispanic National Bar Association Breakfast at the HNBA

Join the Hispanic National Bar Association for its Breakfast at the HNBA CLE series on *Representing the Immigrant Client: Criminal Proceedings and Implications for Legal Status*. Included is a presentation from the Honorable Chief Judge Martha Vázquez of the U.S. District Court for the District of New Mexico. The program will include both criminal and civil issues arising from the representation of immigrant clients and will include presentations from various speakers, including one of New Mexico’s leading immigration attorneys, Mary Ann Romero, Esq., and Anita Chavez, chief pretrial probation officer for the U.S. District Court.

The Breakfast at the HNBA will be held from 9 a.m. to noon, Oct. 19, at The Lodge at Santa Fe. General CLE credits (2.7) are included.

Registration fees: general, $150; government/public interest, $100; HNBA members, $125; and law students, $50.

For additional information, contact HNBA Region XV President Chuck García, Charles.Garcia@PNMResources.com or (505) 241-4939.

N.M. Criminal Defense Lawyers Association CLE Program

The New Mexico Criminal Defense Lawyers Association will present *I Saw What You Did Last Legislature*, a DWI Defense Seminar, (6.75 general CLE credits) from 8:30 a.m. to 5:30 p.m., Oct. 19, at the UNM School of Law. The seminar will be moderated by Ousama Rasheed, Esq. Register at www.nmcdla.org, e-mail nmcdladir@aol.com, or call (505) 992-0050.

Zix Corporation has been selected by the State Bar of New Mexico Alliance Program to offer members easy solutions for securing e-mail communications. E-mail encryption from ZixCorp is easy-to-deploy, integrates seamlessly into existing communications infrastructures, and can be up and running in just a few hours.

To learn more about e-mail encryption from ZixCorp, register for the upcoming Webcast, *E-mail Encryption: A Legal Imperative*, being held from 11 a.m. to noon, Oct. 23.

Participation entitles members to receive special promotional pricing. Register at www.zixcorp.com/info/nmbar or call Michael Salvatore, at (214) 370-2218.

N.M. Defense Lawyers Association Annual Meeting

The New Mexico Defense Lawyers Association will hold its annual meeting on Oct. 18 at the National Hispanic Cultural Center, Albuquerque. *Mouse Clicks Instead of Papercuts: Technology in Trial Preparation and Ethics and Voir Dire in Jury Selection* will be presented by Kevin C. Schiferl, Esq., of Locke Reynolds, Indianapolis. A judges panel, consisting of the Honorable John W. Pope, the Honorable Robert H. Scott and the Honorable Leslie C. Smith, will present *Professionalism in the Courtroom: Dos and Don'ts of Voir Dire (3.0 general, 1.0 professional and 1.0 ethics CLE credits available)*. The Outstanding Civil Defense Lawyer of the Year Award will be presented to Thomas A. Sandenaw, Jr., and the Distinguished Service Award will be presented to Sarah Bradley. Register for a full or half day. For full details, visit www.nmdla.org.

UNM School of Law Corinne Wolfe Children’s Law Center Regional Cross-Training

A day-long program, *Engaging Families and Preserving Connections: Best Practices in Children’s Court*, will take place in five locations this fall:

- Roswell Oct. 26,
- Gallup Nov. 2,
- Santa Fe Nov. 9, and
- Las Cruces Nov. 30.

This program will focus on foster parent and youth participation in court proceedings, open adoption, and mediated post-adoption contact agreements. Sponsors include the Supreme Court’s Court Improvement Project; the Children, Youth & Families Department and the Corinne Wolfe Children’s Law Center, UNM Institute of Public Law. For more information, visit http://ipl.unm.edu/childlaw or call (505) 277-9170.

Free Webinar on E-mail Encryption

Bar Bulletin - October 15, 2007 - Volume 46, No. 42 9
The Board Governing the Recording of Judicial Proceedings
A Board of the Supreme Court of New Mexico

Expired Court Monitor Certifications

The following list includes the names and certification numbers of those monitors whose New Mexico certifications are no longer in effect:

<table>
<thead>
<tr>
<th>Name</th>
<th>Monitor No.</th>
<th>Name</th>
<th>Monitor No.</th>
<th>Name</th>
<th>Monitor No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aronow, Angela</td>
<td>184</td>
<td>Herrera, Marcella</td>
<td>033</td>
<td>Parmer, Mary</td>
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Software Tutorials for State Bar Members and Support Staff

Free software tutorials for State Bar members and their support staff will be offered every Friday at the State Bar Center Computer Lab through the end of the year (excluding Nov. 16 and Nov. 23). Only one space is available for each tutorial, but all seven will be available every Friday. Space will be reserved on a first-come first-served basis. Each tutorial is 3½ to 4 hours in length and participants are encouraged to start by 9 a.m. to provide ample time to finish.

**Access**

Learn how to create a database, including tables, forms and fields. Use the wizards to simplify the process. Understand table relationships, queries, importing data and much more.

Call (505) 797-6039 or e-mail vcordova@nmbar.org to reserve a spot. Leave your name, phone number, e-mail address, the date you wish to attend, and the title of the program you are interested in so confirmation can be sent.

State Bar Center Computer Lab

7 Programs Available.
- Lotus 1-2-3
- PowerPoint
- Office Integration
- Excel
- Access
- Quicken
- QuickBooks

Provided by the Law Office Management Committee
Disciplinary Quarterly Report

Reporting Period: July 1, 2007 to September 30, 2007

Report Submitted by the Disciplinary Counsel

Final Decisions
Final Decisions of the N.M. Supreme Court ...........................0

Charges Filed
Charges were filed against an attorney for allegations of communicating directly with a party, knowing that the party was represented by an attorney, and stating or implying an ability to improperly influence a court.

Charges were filed against an attorney for allegations of failing to cooperate in the investigation conducted by the office of disciplinary counsel and failing to act competently and diligently in representing certain clients.

Charges were filed against an attorney for allegations of failing to cooperate in the investigations conducted by the office of disciplinary counsel, failing to provide competent representation to certain clients, and failing to explain matters to the extent reasonably necessary to permit certain clients to make informed decisions regarding representation.

Petitions for Reinstatement Filed
Petitions for reinstatement filed ............................................1

Lana E. Marcussen (Supreme Court No. 26,217): Emergency Motion to Reinstate License to Practice Law filed on September 19, 2007; Respondent suspended from the practice of law pursuant to Rule 17-203(C) of the Rules Governing Discipline for failure to pay child support.

Formal Reprimands
Total number of attorneys formally reprimanded ..................1

Gerald R. Bloomfield (Disciplinary No. 05-2006-508): Attorney formally reprimanded for failing to respond to disciplinary counsel’s requests for information regarding two complaints filed against him by former clients, in violation of Rule 16-801(B) and Rule 16-803(D) of the Rules of Professional Conduct.

Informal Admonitions
Total number of attorneys admonished .................................4

Attorneys were admonished for the following conduct:
(1) representing a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer, in violation of Rule 16-111(A) of the Rules of Professional Conduct; and
(2) communicating ex parte with an arbitrator before and after receiving the arbitrator’s ruling, in violation of Rule 16-305(B) and (C) of the Rules of Professional Conduct, and filing a baseless claim in an attempt to obtain additional settlement funds, in violation of Rule 16-804(D) of the Rules of Professional Conduct.

Letters of Caution
Total number of attorneys cautioned .................................6

Attorneys were cautioned for the following conduct:
(1) possibly charging a client an excessive fee and failing to promptly respond to a client’s requests for information;
(2) failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding representation;
(3) failing to provide monthly billing statements to a client and failing to be available for personal consultations with a client to the extent necessary to discharge the obligations set forth in Rule 16-104 of the Rules of Professional Conduct;
(4) failing to timely respond to disciplinary complaints filed with the office of disciplinary counsel;
(5) possibly engaging in the unauthorized practice of law; and
(6) failing to adequately communicate with a client and to request court approval of withdrawal from representation when a client conflict could not be resolved.

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<th>Allegations</th>
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<td>Misrepresentation or Fraud</td>
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<td>Relationship with Client or Court</td>
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<td>Fees</td>
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<td>Improper Communications</td>
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<td>Criminal Activity</td>
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<td>Personal Behavior</td>
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<td>Total number of complaints received</td>
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We, the undersigned members of the Senior Lawyers Division in good standing, nominate
_______________________________________________________ of _________________________________, New Mexico, for position #_______, Senior Lawyers Division Board of Directors.

Date Submitted: ____________________________

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<td>Teleconference TRT</td>
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<td>Asset Protection in Bankruptcy Law</td>
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<td>Defending Computer Crime Cases</td>
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<td>How to Prepare and Defend a Medical Malpractice Case</td>
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<td>[Excerpt from 2007 Annual Meeting]</td>
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<td>Ethics for Tax Professionals</td>
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<td>Scientific Evidence–Practical Solutions to Real World Problems</td>
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<td>State Bar Center Health Law Section ABA Health Law Section ABA Commission on Women in the Profession Center for Legal Education of NMSBF</td>
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<td>Teleseminar (Live Replay)</td>
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**Programs have various sponsors; contact appropriate sponsor for more information.**
19 Ethical Quandaries—Problem-Solving Workshop
Teleconference
TRT
2.0 E
(800) 672-6253
www.trtcle.com

23 Sophisticated Estate Planning
Strategies for the
Advanced Practitioner
Albuquerque
National Business Institute
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24–25 Medical School for Attorneys
State Bar Center
Center for Legal Education of
NMSBF
12.0 G, 1.0 E, 1.0 P
(505) 797–6020
www.nmbar.org

19 I Saw What You Did Last
Legislature, DWI Defense Seminar
Albuquerque
UNM School of Law
N.M. Criminal Defense Lawyers
Association
6.75 G

23 Success as a Lawyer and
Judicial Elections
[Excerpts from 2007 Annual Meeting]
VR, State Bar Center
Center for Legal Education of
NMSBF
0.7 G, 0.5 E
(505) 797–6020
www.nmbar.org

24 Resolving Legal and Financial
Issues in Elder Care
Albuquerque
National Business Institute
5.0 G, 1.0 E
(715) 835-8525
www.nmbar.org

23 Representing the Immigrant
Client
Santa Fe
N.M. Hispanic Bar Association
2.7 G
(505) 241-4939

23 Tsunami on the Horizon—Ethics
of Transnational Law
Teleconference
TRT
2.0 E
(800) 672-6253
www.trtcle.com

24 Sexual Harassment Training
Albuquerque
Lorman Education Services
3.3 G
(715) 833-3940
www.lorman.com

22 When Politics Tip the Scales
of Justice
Teleconference
TRT
2.0 E
(800) 672-6253
www.trtcle.com

23 What Every Lawyer Should Know
About IP
VR, State Bar Center
Center for Legal Education of
NMSBF
2.7 G
(505) 797–6020
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24 UCC “Toolkit:” A Practical Guide
to Drafting Key
Commercial Agreements
Video Webcast
Center for Legal Education of
NMSBF
3.0 G
(505) 797–6020
www.nmbar.org

23 Fiduciary Litigation Update
Teleseminar
Center for Legal Education of
NMSBF
1.0 G
(505) 797–6020
www.nmbar.org

24 Cutting Through the Technical
Tax Rules Impacting Charities
Satellite Broadcast
Edward Jones
2.8 G
(800) 441-2018
www.nmbar.org

25–26 Annual Conference
Santa Ana Pueblo
Uniting New Mexicans Against
Adult Abuse
3.7 G
(505) 841-4543

23 International Adoption
VR, State Bar Center
Center for Legal Education of
NMSBF
4.2 G, 2.5 E
(505) 797–6020
www.nmbar.org

24 Internal Investigations of
Employee Issues
Albuquerque
Lorman Education Services
3.3 G
(715) 833-3940
www.lorman.com

25 Experts—Discovery and
Work-Product Issues
Teleconference
TRT
2.0 G
(800) 672-6253
www.trtcle.com

23 Lawyer as Problem Solver:
2007 Professionalism
VR, State Bar Center
Center for Legal Education of
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(505) 797–6020
www.nmbar.org

24 Mediation—Theory and Practice
Teleconference
TRT
2.0 G
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25 Section 409A and Compensation
Agreements: Changes as the
Deadline Approaches
Teleseminar
Center for Legal Education of
NMSBF
1.0 G
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## Writs of Certiorari

As Updated by the Clerk of the New Mexico Supreme Court

Kathleen Jo Gibson, Chief Clerk New Mexico Supreme Court

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

**Effective October 15, 2007**

### Petitions for Writ of Certiorari Filed and Pending:

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### Cworthari Granted but not yet Submitted to the Court:

(On reconsideration) (COA 27,139) 3/7/07

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Response filed 8/21/07

Response filed 4/30/07

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Certiorari Granted and Submitted to the Court:

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

**Submission Date**

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# OPINIONS

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

Gina M. Maestas, Chief Clerk
New Mexico Court of Appeals
PO Box 2008 • Santa Fe, NM 87504-2008 • (505) 827-4925

**EFFECTIVE OCTOBER 5, 2007**

## PUBLISHED OPINIONS

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Slip Opinions for Published Opinions may be read on the Court’s Web site:

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From the New Mexico Supreme Court

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Speaker/Instructor

CANCELLATIONS & REFUNDS: If you find that you must cancel your registration, send a written notice of cancellation via fax by 5 p.m., one week prior to the program of interest. A refund, less a $50 processing charge, will be issued. Registrants who fail to notify CLE by the date and time indicated will receive a set of course materials via mail following the program.

MCLE CREDIT INFORMATION: Courses have been approved by the New Mexico MCLE Board. CLE of SBNM will provide attorneys with necessary forms to file for MCLE credit in other states. A separate MCLE filing fee may be required.

ATTENTION PERSONS WITH DISABILITIES: Our meetings are held at facilities which are fully accessible to persons with mobility disabilities. If you plan to attend our program and will need an auxiliary aid or service, please contact the CLE of SBNM office one week prior to the program.

PROGRAM CANCELLATION: Pre-registration is recommended. Program will be cancelled one week prior to scheduled date if attendance is insufficient. Pre-registrants will be notified by phone and full refunds given.

TAPE RECORDING OF PROGRAMS IS NOT PERMITTED.

CLE AUDIT POLICY: Members of the State Bar of New Mexico (to include attorneys and paralegals) and other legal staff (legal staff being defined as legal assistants and staff of members of the State Bar of New Mexico) may audit State Bar CLE courses at a cost of $10, space permitting. Course materials, breaks and/or lunch, if applicable, may be purchased at an additional cost of $29. Auditors should contact the CLE office in advance and notify staff of their intent to audit. "Walk-in" auditors will also be permitted on a space available basis. Auditors will not receive CLE credits for the audit fee. If an auditor chooses to receive CLE credit for attending the course, the request and payment must be made to CLE staff on the day of the program. Attendees who request CLE credit prior to the program will not be allowed to change to audit. No exceptions will apply. This policy applies to live seminars only and excludes special events.

SCHOLARSHIPS: Please note, scholarships are available on an ‘as needed’ basis for up to 10% of any given seminar. The amount of the scholarship is equivalent to a 50% reduction of the standard fee for each seminar. To qualify, recipients are required to sign a financial assistance form available from the CLE department. For further information, please call (505) 797-6020.

NOTE: Programs subject to change without notice.

Deadline: For First Deposit Is Approaching - BOOK NOW!
MEDICAL SCHOOL FOR ATTORNEYS

Wednesday and Thursday, October 24-25, 2007 • State Bar Center, Albuquerque
12.0 General, 1.0 Ethics, and 1.0 Professionalism CLE Credits

Presenter: Harry Rein, JD, MD
Standard Fee $495

Taught exclusively by the ONLY Doctor-Lawyer Judge in the United States, Medical School for Attorneys will teach both plaintiff and defense lawyers the highlights of four years of medical school, how to develop effective trial themes, the ins and outs of examining medical witnesses, how to pre- sent petitions to the Court, etc. The dates are October 24-25, and the latest medical doctor to drive the point to us that has ever been heard!

WEDNESDAY, OCTOBER 24, 2007

8:30 a.m. The Medical Anatomy and Language for the Classroom

I. Anatomy.
   - Skin, subcutaneous tissue, muscle, ligaments, tendon, cartilage, artery, veins, lymph, bone, nerve, CNS, peripheral system.
II. Musculoskeletal anatomy.
   - Definitions. Fractures and dislocations. Open, closed, comminut
10:00 a.m. Break
10:15 a.m. Musculoskeletal anatomy (continued)


11:45 a.m. Lunch (provided at the State Bar Center)

12:45 p.m. The Recalcitrant Medical Witness: A New Way of Discovery.

The Horizontal Review of Medical Records

II. Orthopedics.
   - Lung disease.

2:45 p.m. Break
3:00 p.m. CV. Cardiovascular system.


5:00 p.m. Adjourn

Thursday, October 25, 2007
8:30 a.m. Medical School for Attorneys - Step Two:Composing More Forceful Sentences

Introduction: What Readers Want

Step One: Trimming Clutter and Other Distractions

Step Two: Composing More Forceful Sentences

10:30 a.m. Usage Interlude

11:45 a.m. Adjourn and Lunch (provided at the State Bar Center)

12:00 p.m. Step Three: Revising for Clarity

1:00 p.m. Step Four: Using Authorities More Effectively

2:00 p.m. Adjourn and Lunch (provided at the State Bar Center)

FOUR STEPS TO STANDOUT LEGAL WRITING with Legal Writing Expert Ross M. Guberman

Thursday, December 13, 2007 • State Bar Center, Albuquerque
3.5 General CLE Credits

Standard Fee $169

“Engaging and extremely useful no matter what level of seniority…”

“One of the best programs I have ever heard!”

As an encore to his highly regarded presentation in 2006 entitled Secrets of the Great Briefeners, legal writing expert Ross Guberman returns with this advanced skills workshop. It has met with acclaim at many of the world’s largest and most prestigious law firms, as well as at government agencies and state bars around the country. Using excerpts from recent well-known cases, the Four Steps workshop offers practical tools that will help you write crisp, clear prose that follows an airtight structure – the skills supervisors seek but seldom find.

Thursday, October 25, 2007
8:30 a.m. Registration
9:00 a.m. Introduction: What Readers Want
9:15 a.m. Step One: Trimming Clutter and Other Distractions
10:00 a.m. Step Two: Composing More Forceful Sentences
10:30 a.m. Usage Interlude

NATIONAL SERIES

featuring Online Video Webcasts, Live Teleseminars, On-Demand Audio, CD, MP3

NATIONAL TELESEMINARS

1.0 General CLE Credit • $67

10:00 a.m. 12:30 p.m.

NATIONAL VIDEO WEBCASTS

3.0 General CLE Credits • $180

10:00 a.m. 12:30 p.m.

CLE AT-A-GLANCE - 2

CLE AT-A-GLANCE - 7
INCREASING THE EFFECTIVENESS OF MEDIATION ADVOCACY: Using the Negotiator's Toolbox with Andrea Schneider

Join us for this full day special event as we explore the key lessons of advocacy coming from The Negotiator's Fieldbook, a brand new ABA bestseller co-edited by Professor Andrea Schneider of Marquette University Law School. Schneider will be joined by Professor Joanne Lipo Zovic also of Marquette University Law School. Together, Schneider and Zovic will extract the most notable highlights from the book in an effort to turn theory into better everyday practice. Each attendee will receive a complimentary copy of this new ABA bestseller – a $79.95 value.

8:00 a.m. Registration
8:30 a.m. Keys To Effective Advocacy
9:30 a.m. Assertiveness--Making Your Case Persuasively
10:15 a.m. Break
10:30 a.m. Assertiveness (continued)
11:30 a.m. Break
12:30 p.m. Lunch (provided at the State Bar Center)
1:30 p.m. Attack vs. Expert's X factors

Thurs. Nov. 8 - State Bar Center, Albuquerque
2.0 General and 1.0 Professionalism CLE Credits
Co-Sponsor: Indian Law Section

WHAT IS ECONOMIC DEVELOPMENT IN INDIAN COUNTRY?

Tribes conduct commercial transactions operating as a tribe or utilizing various entities. This CLE will cover how tribes across the country conduct business. The applicability of the UCC and lending options in Indian Country will be discussed. A professionalism credit will be offered discussing unique challenges and responsibilities faced by lawyers representing tribes and their business entities.

8:00 a.m. Registration
8:30 a.m. Background of Economic Development in Indian Country
9:30 a.m. Speaker TBA
9:45 a.m. Applicability of the UCC and Lending in Indian Country
10:45 a.m. Speaker TBA
12:30 p.m. Noon Lunch (provided at the State Bar Center)
1:30 p.m. Break
1:45 p.m. Applicability of the UCC and Lending in Indian Country
2:30 p.m. Speaker TBA
3:00 p.m. Break
3:15 p.m. Applicability of the UCC and Lending in Indian Country
3:30 p.m. Speaker TBA
4:00 p.m. Break
4:15 p.m. Applicability of the UCC and Lending in Indian Country
4:30 p.m. Speaker TBA
5:00 p.m. Adjourn

Friday, November 2, 2007 • State Bar Center, Albuquerque
6.0 General CLE Credits
Co-Sponsors: Court Alternatives, 2nd Judicial District Court
1st Judicial District Court
ADR Committee, State Bar of New Mexico

Standard Fee $239
Reduced Standard Fee – Both Days $329

Based on the logic that trial is argument, deposition is trial, and deposition is argument, ALL cases, regardless of legal area, have the same basic structure.

CREDIBILITY ARGUMENTS

The structure of every opinion: O = R + \[\text{Credibility} \]

Overview: deposition logic applied to experts.

Expert's rule's essential factors (“necessary” and “sufficient”).

There is one right, logical method with which to effectively attack the adverse expert's opinion at deposition…no matter the area of law, Tribes conduct commercial transactions operating as a tribe or utilizing various entities. This CLE will cover how tribes across the country conduct business. The applicability of the UCC and lending options in Indian Country will be discussed. A professionalism credit will be offered discussing unique challenges and responsibilities faced by lawyers representing tribes and their business entities.

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## 2007 BRIDGE THE GAP

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Friday, November 16, 2007</td>
<td></td>
<td>State Bar Center, Albuquerque</td>
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<tr>
<td>8:00 a.m.</td>
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<td>Registration</td>
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<td>The Impact of Impact Fees</td>
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<td>9:15 a.m.</td>
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<tr>
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<td>Break</td>
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<td>Section 1031 Exchanges      —— the Basics</td>
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<tr>
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<td>Noon Lunch (provided at the State Bar Center)</td>
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<td>Tax Credits for Conservation Easements and Sustainable Development</td>
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<td>4:15 p.m.</td>
<td>Adjourner</td>
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## 2007 REAL PROPERTY INSTITUTE

**Friday, November 30, 2007**  
State Bar Center, Albuquerque  
7.0 General CLE Credits

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ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules for Courts of Limited Jurisdiction Committee to adopt amendments to Rules 6-202, 6-203, 6-504, 6-506, and 6-606 and Form 9-410 NMRA and to adopt new Forms 9-409A, 9-412A, and 9-412B NMRA for Courts of Limited Jurisdiction (Magistrate Courts - Criminal), and the Court having considered said recommendation and being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Richard C. Bosson concurring, Justice Pamela B. Minzner not participating;

NOW, THEREFORE, IT IS ORDERED that the amendments of Rules 6-202, 6-203, 6-504, 6-506, and 6-606 and Form 9-410 NMRA for Courts of Limited Jurisdiction (Magistrate Courts — Criminal) hereby are APPROVED;

IT IS FURTHER ORDERED that the new Forms 9-409A, 9-412A, and 9-412B NMRA hereby are ADOPTED;

IT IS FURTHER ORDERED that the amendments of Rules 6-202, 6-203, 6-504, 6-506, and 6-606 and Form 9-410 and new Forms 9-409A, 9-412A, and 9-412B NMRA shall be effective for cases filed on or after November 1, 2007; and

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 rules and adoption of the new forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 28th day of August, 2007.

Chief Justice Edward L. Chávez
Justice Patricio M. Serna
Justice Petra Jimenez Maes
Justice Richard C. Bosson
Justice Pamela B. Minzner
(not participating)


A. Subpoena of witnesses. If the court determines that a preliminary examination must be conducted, subpoenas shall be issued for any witnesses required by the district attorney or the defendant. The witnesses shall be examined in the defendant’s presence and may be cross-examined.

B. Record of hearing. A record shall be made of the preliminary examination. If the defendant is bound over for trial in the district court, the record shall be filed with the clerk of the district court with the bind-over order. A duplicate of the tape may be requested by any party within six (6) months following the preliminary hearing. The taped record may be disposed of by the magistrate court after the expiration of six (6) months following the preliminary hearing.

C. Findings of court. If, upon completion of the examination, it appears to the court that there is no probable cause to believe that the defendant has committed an offense, the court shall discharge the defendant. If the defendant is bound over for trial by the magistrate court, the district attorney shall file with the magistrate court:

(1) a copy of the information filed in district court; and

(2) if an order is entered by the district court extending the time for filing an information, a copy of such order. If the court finds that there is probable cause to believe that the defendant committed an offense not within magistrate court trial jurisdiction, it shall bind the defendant over for trial. If the court finds that there is probable cause to believe that the defendant committed only an offense within magistrate court trial jurisdiction, the action shall be set for trial as soon as possible.

D. Time. A preliminary hearing shall be held within a reasonable time but in any event not later than ten (10) days following the initial appearance if the defendant is in custody and no later than sixty (60) days if he is not in custody. Failure to comply with the time limits set forth in this paragraph shall not affect the validity of any indictment for the same criminal offense.

E. Effect of indictment. If the defendant is indicted prior to a preliminary examination for the offense pending in the magistrate court, the district attorney shall forthwith advise the magistrate and the magistrate shall take no further action in the case, provided that any conditions of release set by the magistrate shall continue in effect unless amended by the district court.

F. Bail bond. After indomiter, the magistrate court shall retain jurisdiction over the defendant and the bond until an information or indictment is filed in the district court or until twelve (12) months have passed whichever occurs first. If the defendant is indicted, the magistrate court shall transfer any bond to the district court. Unless the proceedings are remanded to the magistrate court, all further action relating to the bond shall be taken in the district court.

6-203. Arrests without a warrant: probable cause determination.

A. General rule. In all cases in which the arrest has been made without a warrant and the person has not been released upon some conditions of release a probable cause determination shall be made to determine if a person shall remain in custody. The probable cause determination shall be made by a magistrate, metropolitan or district court judge promptly, but in any event within forty-eight (48) hours after custody commences and no later than the first appearance of the defendant whichever occurs earlier.

B. Conduct of determination. The probable cause determination shall be nonadversarial and may be held in the absence of the defendant and of counsel. The showing of probable cause shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for
believing there is a factual basis for the information furnished. No witnesses shall be required to appear unless the court determines there is a basis for believing the appearance of one or more witnesses might lead to a finding that there is no probable cause. If the complaint and any attached statements fail to make a written showing of probable cause, an amended complaint or a statement of probable cause may be filed within forty-eight (48) hours after custody commences and no later than the first appearance of the defendant whichever occurs earlier with sufficient facts to show probable cause for detaining the defendant.

C. Probable cause determination; conclusion. If the court finds that the complaint fails to establish probable cause to believe that the defendant has committed an offense and no amendment is filed with sufficient facts to show probable cause for detaining the defendant, the court shall dismiss the complaint without prejudice and order the immediate release of the defendant. If the court finds probable cause that the defendant committed an offense, the court shall review the conditions of release. If no conditions of release have been set and the offense is a bailable offense, the court shall set conditions of release in accordance with Rule 6-401 NMRA. If the court finds that there is probable cause the court shall make such finding in writing.

6-504. Discovery; cases within magistrate court trial jurisdiction.

A. Disclosure by state. Not less than ten (10) days before trial, the prosecution shall disclose and make available for inspection, copying and photographing any records, papers, documents and recorded statements made by witnesses or other tangible evidence in its possession, custody and control which are material to the preparation of the defense or are intended for use by the prosecution at the trial or were obtained from or belong to the defendant.

B. Disclosure by defendant. Not less than ten (10) days before trial, the defendant shall disclose and make available to the prosecution for inspection, copying and photographing any records, papers, documents or other tangible evidence in the defendant’s possession, custody or control which the defendant intends to introduce in evidence at the trial.

C. Witness disclosure. Not less than ten (10) days before trial the prosecution and defendant shall exchange a list of the names and addresses of the witnesses each intends to call at the trial.

D. Witness interviews. Upon request of a party, any witness named on the witness list of the opposing party, other than the defendant, shall be made available for interview prior to trial.

E. Continuing duty to disclose. If a party discovers additional material or witnesses which the party previously would have been under a duty to disclose and make available at the time of such previous compliance if it were then known to the party, the party shall promptly give notice to the other party of the existence of the additional material or witnesses.

F. Failure to comply. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may:

1. order the party to provide the discovery or inspection of materials not previously disclosed;
2. grant a continuance to allow for completion of discovery;
3. order the party to complete the interview or inspect the materials at the trial setting; or
4. prohibit the party from calling a witness not disclosed or from introducing in evidence the material not disclosed; or
5. enter such other order as it deems appropriate under the circumstances, including but not limited to holding an attorney or party in contempt of court.

G. Statement defined. As used in this rule, “statement” means:

1. a written statement made by a person and signed or otherwise adopted or approved by such person;
2. any mechanical, electrical or other recording, or a transcription thereof, which is a recital of an oral statement; and
3. stenographic or written statements or notes which are in substance recitals of an oral statement.

H. Applicability. This rule applies only to cases within magistrate court trial jurisdiction.

6-506. Time of commencement of trial.

A. Arraignment. The defendant shall be arraigned on the complaint or citation within thirty (30) days after the filing of the complaint or citation or the date of arrest, whichever is later.

B. Time limits for commencement of trial. The trial of a criminal citation or complaint shall be commenced within one hundred eighty-two (182) days after whichever of the following events occurs latest:

1. the date of arraignment or the filing of a waiver of arraignment of the defendant;
2. if an evaluation of competency has been ordered, the date an order or remand is filed in the magistrate court finding the defendant competent to stand trial;
3. if a mistrial is declared by the trial court, the date such order is filed in the magistrate court;
4. in the event of a remand from an appeal or request for extraordinary relief, the date the mandate or order is filed in the magistrate court disposing of the appeal or request for extraordinary relief;
5. if the defendant is arrested for failure to appear or surrenders in this state for failure to appear, the date of arrest or surrender of the defendant;
6. if the defendant is arrested for failure to appear or surrenders in another state or country for failure to appear, the date the defendant is returned to this state; or
7. if the defendant has been placed in a preprosecution diversion program, the date a notice is filed in the magistrate court that the preprosecution diversion program has been terminated for failure to comply with the terms, conditions or requirements of the program.

C. Extension of time. The time for commencement of trial may be extended by the court:

1. upon the filing of a written waiver of the provisions of this rule by the defendant and approval of the court;
2. upon motion of the defendant for good cause shown and approval of the court for a period not exceeding thirty (30) days, provided that the aggregate of all extensions granted pursuant to this subparagraph shall not exceed sixty (60) days; or
3. upon stipulation of the parties and approval of the court for a period not exceeding sixty (60) days, provided that the
aggregate of all extensions granted pursuant to this subparagraph shall not exceed sixty (60) days;
(4) upon withdrawal of a plea or rejection of a plea for a period up to ninety (90) days;
(5) upon a determination by the court that exceptional circumstances exist that were beyond the control of the state or the court that prevented the case from being heard within the time period provided that the aggregate of all extensions granted pursuant to this subparagraph may not exceed sixty (60) days; or
(6) if defense counsel fails to appear for trial within a reasonable time, for a period not to exceed one hundred eighty-two (182) days, provided that the aggregate of all extensions granted pursuant to this subparagraph may not exceed one hundred eighty-two (182) days.

D. **Time for filing motion.** A motion to extend the time period for commencement of trial pursuant to Paragraph C of this rule may be filed at any time within the applicable time limits or upon exceptional circumstances shown within ten (10) days after the expiration of the time period. At the request of either party, the court shall hold a hearing prior to the commencement of trial to determine whether an extension may be appropriately granted.

E. **Effect of noncompliance with time limits.** In the event the trial of any person does not commence within the time specified in Paragraph B of this rule or within the period of any extension provided in this rule, the complaint or citation filed against such person shall be dismissed with prejudice.

**Committee Commentary**

**Exceptional circumstances.**
“Exceptional circumstances”, as used in this rule, would include conditions which are unusual or extraordinary such as: death or illness of the judge, prosecutor, or a defense attorney immediately preceding the commencement of the trial; and circumstances which ordinary experience or prudence would not foresee, anticipate or provide for.

**Constitutional right to speedy trial.**
This rule is distinct from any speedy trial rights a defendant may have under the constitutions and laws of the United States and the State of New Mexico. See *State v. Urban*, 2004-NMSC-007, 135 N.M. 279, 87 P.3d 1061 for the factors to be considered.

**Duty of prosecutor.**
It is the continuing duty of the prosecutor to seek the commencement of trial within the time specified in this rule. It is the obligation of both parties to make a good faith effort to complete their separate discovery and to advise the court of noncompliance with Rule 7-504 NMRA.

**Computation of time.**
Time periods are computed pursuant to Rule 7-104 NMRA.

**Paragraph A**
Paragraph A of this rule requires arraignment within thirty (30) days after the filing of the complaint or citation or the date of arrest, whichever is later. A failure to arraign the defendant within the time limitation will not result in a dismissal of the charge unless the defendant can show some prejudice due to the delay.

**Paragraph B**
A violation of Paragraph B of this rule can result in a dismissal with prejudice of criminal proceedings. See Paragraph E of this rule. See also *State v. Lopez*, 89 N.M. 82, 547 P.2d 565 (1976). However, the rules do not create a jurisdictional barrier to prosecution. The defendant must raise the issue and seek dismissal. *State v. Vigil*, 85 N.M. 328, 512 P.2d 88 (Ct. App. 1973).

Where the state in good faith files a *nolle prosequi* pursuant to Paragraphs C and D of Rule 6-506A NMRA and later files the same charge, the trial on the refiled charges shall be commenced within the unexpired time for trial pursuant to Rule 6-506 NMRA, unless, pursuant to Paragraph D of Rule 6-506, the court finds the refiled complaint should not be treated as a continuation of the same case. See also commentary to Rule 6-506A NMRA; *State ex rel. Delgado v. Stanley*, 83 N.M. 626, 495 P.2d 1073 (1972); *State v. Lucero*, 91 N.M. 26, 569 P.2d 952 (Ct. App. 1977).

**6-606. Subpoena.**

**A. Form; issuance.**
(1) Every subpoena shall:
(a) state the name of the court from which it is issued;
(b) state the title of the action and action number;
(c) command each person to whom it is directed to attend a trial, interview or hearing and give testimony or to produce designated books, documents or tangible things in the possession, custody or control of that person at a time and place therein specified; and
(d) be substantially in the form approved by the Supreme Court.
(2) All subpoenas shall issue from the court for the court in which the matter is pending.
(3) The judge or clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall fill it in before service. The judge or clerk may issue a subpoena duces tecum to a party only if the subpoena duces tecum is completed by the party prior to issuance by the judge or clerk. Except as provided in Paragraph B of this rule, an attorney authorized to practice law in New Mexico and who represents a party, as an officer of the court, may also issue and sign a subpoena on behalf of the court in which the case is pending.
(4) Proof of service when necessary shall be made by filing with the clerk of the court a return substantially in the form approved by the Supreme Court.

**B. Interviews.** A subpoena compelling the attendance of the witness must be signed by the judge. A witness may be required to attend an interview anywhere within jurisdiction of the court.

**C. Service.**
(1) A subpoena may be served by any person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and, if that person’s attendance is commanded:
(a) if the witness is to be paid from funds appropriated by the legislature to the administrative office of the courts for payment of state witnesses or for the payment of witnesses in indigency cases, by processing for payment to such witness the fee and mileage prescribed by regulation of the administrative office of the courts;
(b) for all persons not described in Subparagraph (1)(a) of this paragraph, by tendering to that person the full fee for one day’s expenses provided by Subsection A of Section 10-8-4 NMSA 1978 as per diem for nonsalaried public officers attending a board or committee meeting and the mileage provided by Subsection D of Section 10-8-4 NMSA 1978. The fee for per diem expenses shall not be prorated. If attendance is required for
more than one (1) day, a full day’s expenses shall be paid prior to commencement of each day attendance is required. When the subpoena is issued on behalf of the state or an officer or agency thereof, fees and mileage need not be tendered. Prior to or at the same time as service of any subpoena commanding production of documents and things or inspection of premises before trial, notice shall be served on each party in the manner prescribed by Rule 6-209 NMRA;

(2) Proof of service when necessary shall be made by filing with the clerk of the court a return substantially in the form approved by the Supreme Court.

D. Protection of persons subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney’s fee.

(2) Unless specifically commanded to appear in person, a person commanded to produce and permit inspection of the premises and copying of designated books, papers, documents or tangible things need not appear in person at the hearing or trial.

(b) Subject to Subparagraph (2) of Paragraph D of this rule, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon all parties written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the court by which the subpoena was issued. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (a) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

   (i) fails to allow reasonable time for compliance,
   (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
   (iii) subjects a person to undue burden.

(b) The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena if a subpoena:

   (i) requires disclosure of a trade secret or other confidential research, development or commercial information,
   (ii) requires disclosure of an unretained expert’s opinion or information not describing specific events or occurrences in dispute and resulting from the expert’s study made not at the request of any party, or
   (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than one hundred (100) miles to attend trial.

   If the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

E. Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced that is sufficient to enable the demanding party to contest the claim.

F. Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court punishable by fine or imprisonment.

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9-409A. Motion to compel discovery.

[For use with Magistrate Court Rule 6-504 NMRA and Municipal Court Rule 8-504 NMRA]

STATE OF NEW MEXICO
[COUNTY OF ____________________]  
________________________________, Court

No. ____________

[STATE OF NEW MEXICO]  
[COUNTY OF ____________________]  
[ CITY OF _____________________]  

v.  

________________________________, Defendant

MOTION TO COMPEL DISCOVERY

The [defendant] [prosecution] has previously requested the following discovery ____________________ (provide description) and the [defendant] [prosecution] failed to provide the discovery.

The [defendant] [prosecution] requests the court to:

[ ] order the [defendant] [prosecution] to produce the discovery or inspection of materials not previously disclosed

[ ] grant a continuance of the trial setting on ________________ (date) to allow the completion of discovery;

[ ] ____________________ (describe other relief).  

I acknowledge that the filing of this motion does not diminish my continuing duty to fully comply with the pretrial scheduling order or rules of procedure.  
Date: ____________________

[Prosecutor] [Defendant]
[For use with Magistrate Court Rule 6-504 NMRA, Metropolitan Court Rule 7-504 NMRA, and Municipal Court Rule 8-504 NMRA.]

STATE OF NEW MEXICO
[COUNTY OF___________________]
[CITY OF_____________________]
__________________________ COURT

No. ____________

[STATE OF NEW MEXICO]
[COUNTY OF___________________]
[CITY OF_____________________]
v. __________________________________, Defendant

ORDER FOR PRODUCTION

It appearing to the court that the defendant has requested production of certain tangible evidence in the possession of or available to the prosecution and that good cause exists therefor;

IT IS ORDERED that the prosecution produce for inspection and copying at ______________________ (address) at ______________ (a.m.) (p.m.) on ______________, __________, the following records, papers, documents or other tangible evidence in its possession or available to it: __________________ (describe briefly)

__________________________________________
Judge
(If you fail to obey this order you may be held in contempt of this court and punished by fine and imprisonment.)

9-412A. Certificate of disclosure of information.
[For use with Magistrate Court Rule 6-504 and Municipal Court Rule 8-504 NMRA]

STATE OF NEW MEXICO
[COUNTY OF___________________]
[CITY OF_____________________]
__________________________ COURT

No. ____________

[STATE OF NEW MEXICO]
[COUNTY OF___________________]
[CITY OF_____________________]
v. __________________________________, Defendant

CERTIFICATE OF DISCLOSURE OF INFORMATION

I hereby certify that all information required to be produced pursuant to Rule [6-504 NMRA] [7-504 NMRA] [8-504 NMRA] has been produced except for the following:

__________________________________________
__________________________________________
__________________________________________

I hereby certify I have disclosed the witnesses the [prosecution] [defendant] may call to testify at trial and that the status of interviews is as follows:

[] no interview requested
[] all interviews requested by and scheduled by [defendant] [prosecution]
[] all interviews completed
[] other __________________ (describe).

I acknowledge that I have a continuing duty to disclose any additional information which the [defendant] [prosecution] is entitled to receive under Rule [6-504 NMRA] [7-504 NMRA] [8-504 NMRA].

Date: ____________________________

[Prosecutor] [Defendant]

9-412B. Motion to sanction for non-compliance.
[For use with Magistrate Court Rule 6-504 and Municipal Court Rule 8-504 NMRA]

STATE OF NEW MEXICO
[COUNTY OF___________________]
[CITY OF_____________________]
__________________________ COURT

No. ____________

[STATE OF NEW MEXICO]
[COUNTY OF___________________]
[CITY OF_____________________]
v. __________________________________, Defendant

MOTION TO SANCTION FOR NON-COMPLIANCE

I certify that the [defendant] [prosecution] failed to comply with this court’s pretrial scheduling order in a timely manner as follows:

__________________________________________

A motion to compel was filed on ___________ (date) with the following results: __________________ (describe results). Because of the failure to comply the [defendant] [prosecution] requests the court to:

[] order the party to provide discovery as requested
[] grant a continuance until _______________ (date) to allow for the completion of discovery
[] prohibit introduction into evidence of the material not disclosed
[] enter an order holding __________________ (attorney or party) in contempt of court
[] __________________ (other).

Because of the failure to comply the [defendant] [prosecution] requests the court to:

[] order the party to provide discovery as requested
[] grant a continuance until _______________ (date) to allow for the completion of discovery
[] prohibit introduction into evidence of the material not disclosed
[] enter an order holding __________________ (attorney or party) in contempt of court
[] __________________ (other).

I acknowledge that the filing of this certificate does not diminish my continuing duty to fully comply with the pretrial scheduling order.

Date: ____________________________

[Prosecutor] [Defendant]
IN THE MATTER OF THE AMENDMENTS OF RULES 8-504, 8-506, AND 8-602 NMRA OF THE RULES FOR COURTS OF LIMITED JURISDICTION (MUNICIPAL COURTS)

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules for Courts of Limited Jurisdiction Committee to adopt amendments to Rules 8-504, 8-506, and 8-602 NMRA for Courts of Limited Jurisdiction (Municipal Courts), and the Court having considered said recommendation and being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Richard C. Bosson concurring, Justice Pamela B. Minzner not participating;

NOW, THEREFORE, IT IS ORDERED that the amendments of Rules 8-504, 8-506, and 8-602 NMRA for Courts of Limited Jurisdiction (Municipal Courts) hereby are APPROVED;

IT IS FURTHER ORDERED that the amendments of Rules 8-504, 8-506, and 8-602 NMRA shall be effective for cases filed on or after November 1, 2007;

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 rules by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 28th day of August, 2007.

Chief Justice Edward L. Chávez
Justice Patricio M. Serna
Justice Petra Jimenez Maes
Justice Richard C. Bosson
Justice Pamela B. Minzner
(not participating)

8-504. Discovery.

A. Disclosure by state. Not less than ten (10) days before trial, the prosecution shall disclose and make available for inspection, copying and photographing any records, papers, documents or recorded statements made by witnesses or other tangible evidence in its possession, custody and control which are material to the preparation of the defense or are intended for use by the prosecution at the trial or were obtained from or belong to the defendant.

B. Disclosure by defendant. Not less than ten (10) days before trial, the defendant shall disclose and make available to the prosecution for inspection, copying and photographing any records, papers, documents or other tangible evidence in the defendant’s possession, custody or control which the defendant intends to introduce in evidence at the trial.

C. Witness disclosure. Not less than ten (10) days before trial the prosecution and defendant shall exchange a list of the names and addresses of the witnesses each intends to call at the trial.

D. Witness interviews. Upon request of a party, any witness named on the witness list of the opposing party, other than the defendant, shall be made available for interview prior to trial.

E. Continuing duty to disclose. If a party discovers additional material or witnesses which the party previously would have been under a duty to disclose and make available at the time of such previous compliance if it were then known to the party, the party shall promptly give notice to the other party of the existence of the additional material or witnesses.

F. Failure to comply. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may:

1. order the party to provide the discovery or inspection of materials not previously disclosed;
2. grant a continuance to allow for completion of discovery;
3. order the party to complete the interview or inspect the materials at the trial setting; or
4. prohibit the party from calling a witness not disclosed or from introducing in evidence the material not disclosed; or
5. enter such other order as it deems appropriate under the circumstances, including holding an attorney or party in contempt of court.

G. “Statement” defined. As used in this rule, “statement” means:

1. a written statement made by a person and signed or otherwise adopted or approved by such person;
2. any mechanical, electrical or other recording, or a transcription thereof, which is a recital of an oral statement; and
3. stenographic or written statements or notes which are in substance recitals of an oral statement.

8-506. Time of commencement of trial.

A. Arraignment. The defendant shall be arraigned on the complaint or citation within thirty (30) days after the filing of the complaint or citation or the date of arrest, whichever is later.

B. Time limits for commencement of trial. The trial of a criminal citation or complaint shall be commenced within one hundred eighty-two (182) days after whichever of the following events occurs latest:

1. the date of arraignment or the filing of a waiver of arraignment of the defendant;
2. if an evaluation of competency has been ordered, the date an order or remand is filed in the municipal court finding the defendant competent to stand trial;
3. if a mistrial is declared by the trial court, the date such order is filed in the municipal court;
4. in the event of a remand from an appeal or request for extraordinary relief, the date the mandate or order is filed in the municipal court disposing of the appeal or request for extraordinary relief;
5. if the defendant is arrested for failure to appear or surrenders in this state for failure to appear, the date of arrest or surrender of the defendant;
6. if the defendant is arrested for failure to appear or surrenders in another state or country for failure to appear, the date the defendant is returned to this state; or
7. if the defendant has been placed in a preprosecution diversion program, the date a notice is filed in the municipal court that the preprosecution diversion program has been terminated for failure to comply with the terms, conditions or requirements of the program.

C. Extension of time. The time for commencement of trial may be extended by the court:
(1) upon the filing of a written waiver of the provisions of this rule by the defendant and approval of the court;
(2) upon motion of the defendant for good cause shown and approval of the court for a period not exceeding thirty (30) days, provided that the aggregate of all extensions granted pursuant to this subparagraph shall not exceed sixty (60) days; or
(3) upon stipulation of the parties and approval of the court for a period not exceeding sixty (60) days, provided that the aggregate of all extensions granted pursuant to this subparagraph shall not exceed sixty (60) days;
(4) upon withdrawal of a plea or rejection of a plea for a period up to ninety (90) days;
(5) upon a determination by the court that exceptional circumstances exist that were beyond the control of the state or the court that prevented the case from being heard within the time period provided that the aggregate of all extensions granted pursuant to this subparagraph may not exceed sixty (60) days; or
(6) if defense counsel fails to appear for trial within a reasonable time, for a period not to exceed one hundred eighty-two (182) days, provided that the aggregate of all extensions granted pursuant to this subparagraph may not exceed one hundred eighty-two (182) days.

D. Time for filing motion. A motion to extend the time period for commencement of trial pursuant to Paragraph C of this rule may be filed at any time within the applicable time limits or upon exceptional circumstances shown within ten (10) days after the expiration of the time period. At the request of either party, the court shall hold a hearing prior to the commencement of trial to determine whether an extension may be appropriately granted.

E. Effect of noncompliance with time limits. In event the trial of any person does not commence within the time specified in Paragraph B of this rule or within the period of any extension provided in this rule, the complaint or citation filed against such person shall be dismissed with prejudice.

Committee Commentary

Exceptional circumstances.
“Exceptional circumstances”, as used in this rule, would include conditions which are unusual or extraordinary such as: death or illness of the judge, prosecutor, or a defense attorney immediately preceding the commencement of the trial; and circumstances which ordinary experience or prudence would not foresee, anticipate or provide for.

Constitutional right to speedy trial.
This rule is distinct from any speedy trial rights a defendant may have under the constitutions and laws of the United States and the State of New Mexico. See State v. Urban, 2004-NMSC-007, 135 N.M. 279, 87 P.3d 1061 for the factors to be considered.

Duty of prosecutor.
It is the continuing duty of the prosecutor to seek the commencement of trial within the time specified in this rule.

Computation of time.
Time periods are computed pursuant to Rule 8-104 NMRA.

Paragraph A
Paragraph A of this rule requires arraignment within thirty (30) days after the filing of the complaint or citation or the date of arrest, whichever is later. A failure to arraignment the defendant within the time limitation will not result in a dismissal of the charge unless the defendant can show some prejudice due to the delay.

Paragraph B
A violation of Paragraph B of this rule can result in a dismissal with prejudice of criminal proceedings. See Paragraph E of this rule. See also State v. Lopez, 89 N.M. 82, 547 P.2d 565 (1976). However, the rules do not create a jurisdictional barrier to prosecution. The defendant must raise the issue and seek dismissal. State v. Vigil, 85 N.M. 328, 512 P.2d 88 (Ct. App. 1973).

Where the state in good faith files a nolle prosequi pursuant to Paragraphs C and D of Rule 6-506A NMRA and later files the same charge, the trial on the refiled charges shall be commenced within the unexpired time for trial pursuant to Rule 8-506 NMRA, unless, pursuant to Paragraph D of Rule 8-506A, the court finds the refiled complaint should not be treated as a continuation of the same case. See also commentary to Rule 8-506A NMRA; State ex rel. Delgado v. Stanley, 83 N.M. 626, 495 P.2d 1073 (1972); State v. Lucero, 91 N.M. 26, 569 P.2d 952 (Ct. App. 1977).

8-602. Subpoenas.
A. Form; issuance.
(1) Every subpoena shall:
    (a) state the name of the court from which it is issued;
    (b) state the title of the action and action number;
    (c) command each person to whom it is directed to attend a trial or hearing and give testimony or to produce designated books, documents or tangible things in the possession, custody or control of that person at a time and place therein specified; and
    (d) be substantially in the form approved by the Supreme Court.
(2) All subpoenas shall issue from the court for the court in which the matter is pending.
(3) The judge or clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall fill it in before service. The judge or clerk may issue a subpoena duces tecum to a party only if the subpoena duces tecum is completed by the party prior to issuance by the judge or clerk. Except as provided in Paragraph B of this rule, an attorney authorized to practice law in New Mexico and who represents a party, as an officer of the court, may also issue and sign a subpoena on behalf of the court in which the case is pending.
(4) Proof of service when necessary shall be made by filing with the clerk of the court a return substantially in the form approved by the Supreme Court.

B. Interviews. A subpoena compelling the attendance of a witness must be signed by the judge. A witness may be required to attend an interview anywhere within jurisdiction of the court.

C. Service.
(1) A subpoena may be served by any person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and, if that person’s attendance is commanded:
    (a) if the witness is to be paid from funds appropriated by the legislature to the administrative office of the courts for payment of state witnesses or for the payment of witnesses in indigency cases, by processing for payment to such witness the fee and mileage prescribed by regulation of the administrative office of the courts;
    (b) for all persons not described in Subparagraph (1)(a) of this paragraph, by tendering to that person the full fee
Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced that is sufficient to enable the demanding party to contest the claim.

F. Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court punishable by fine or imprisonment.
IN THE MATTER OF THE AMENDMENTS OF RULE 2-303 NMRA AND ADOPTION OF NEW FORM 4-303A NMRA OF THE RULES FOR COURTS OF LIMITED JURISDICTION (MAGISTRATE COURTS - CIVIL)

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules for Courts of Limited Jurisdiction Committee to adopt amendments to Rule 2-303 NMRA and new Form 4-303A NMRA for Courts of Limited Jurisdiction (Magistrate Courts - Civil), and the Court having considered said recommendation and being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Richard C. Bosson concurring,

IT IS FURTHER ORDERED that the amendments of Rule 2-303 NMRA for Courts of Limited Jurisdiction (Magistrate Courts - Civil) hereby are APPROVED;

NOW, THEREFORE, IT IS ORDERED that the amendments of Rule 2-303 NMRA for Courts of Limited Jurisdiction (Magistrate Courts - Civil) hereby are ADOPTED;

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 and adoption of the new form by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 28th day of August, 2007.

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


A. For claimant. A party seeking to recover upon a claim or counterclaim may, at any time after an answer or a reply by the adverse party, move for a judgment on the pleadings in his favor upon all or any part thereof.

B. For defending party. A party against whom a claim or counterclaim is asserted may, at any time, move for a judgment on the pleadings in his favor as to all or any part thereof.

C. Motion and proceedings thereon. The motion shall be served by mail at least five (5) days before the time fixed for the hearing. The judgment sought shall be rendered forthwith if the pleadings, on file, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A judgment on the pleadings may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages. At least fifteen days before entering such judgment on the pleadings, the court shall provide written notice of its intention to the parties to enter the judgment unless objections are received by a certain date.

4-303A. Notice of court’s intent to render judgment on the pleadings.

[For use with Magistrate Court Rule 2-303 NMRA]

STATE OF NEW MEXICO
COUNTY OF ___________________________

MAGISTRATE COURT

No. ___________________________

v.

__________________________, Plaintiff

__________________________, Defendant

NOTICE OF INTENTION TO ENTER JUDGMENT ON THE PLEADINGS

The parties are notified that the court intends to enter judgment in favor of ___________________________ (name of party) based on the pleadings on file in this cause for the following damages, costs and fees:

Damages ___________________________

Attorney fee (if allowable) $___________

Interest (if allowable) $___________

Filing fee $___________

Service fee $___________

Return fee $___________

Witness fees $___________

Total Judgment $___________

Judgment will be entered on __________ (date at least fifteen days after filing of notice) unless either party returns a signed objection (see below) to the court before that date. If either party objects the court will set the matter for trial.

Judge ___________________________

Date of signature ___________________________

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of __________, ______ a copy of this notice was [mailed by United States first class mail, postage prepaid, and addressed to:]

Name: ___________________________

Address: ___________________________

City, State and zip code: ___________________________

[faxed by __________________________ (name of person who faxed document) to __________________________ (name of recipient) at __________________________ (telephone number). The transmission was reported as complete and without error. The time and date of the transmission was _________ (a.m.) (p.m.) on __________ (date).]

[e-mailed to __________________________ (name of party or attorney) at __________________________ (electronic mail address of recipient). The transmission was successful. The time and date of the transmission was _________ (p.m.) (a.m.) on __________ (date).]
WHEREAS, this matter came on for consideration by the Court upon recommendation of the Judicial Performance Evaluation Commission to amend Rules 28-203, 28-204, and 28-205 NMRA of the Rules Governing the Judicial Performance Evaluation Commission, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, and Justice Richard C. Bosson concurring, Justice Petra Jimenez Maes dissenting, Justice Pamela B. Minzner not participating;

NOW, THEREFORE, IT IS ORDERED that the amendments to Rules 28-203, 28-204, and 28-205 NMRA of the Rules Governing the Judicial Performance Evaluation Commission hereby are APPROVED;

IT IS FURTHER ORDERED that the amendments to Rules 28-203, 28-204, and 28-205 NMRA of the Rules Governing the Judicial Performance Evaluation Commission shall be effective immediately;

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

DONE at Santa Fe, New Mexico, this 31st day of August, 2007.

Chief Justice Edward L. Chávez
Justice Patricio M. Serna
Justice Richard C. Bosson
Justice Petra Jimenez Maes (dissenting)
Justice Pamela B. Minzner
(not participating)

28-203. Powers and duties of the commission.

A. Commission duties. The commission shall:

(1) evaluate the professional performance of judges eligible for retention elections who have served at least two (2) years in the judicial position to be evaluated. However, upon a request of a judge, and at the discretion of the commission, a judge who has served less than two (2) years may be interviewed and provided feedback;

(2) ensure that its data collection and analysis processes are methodologically sound;

(3) distribute questionnaires, conduct interviews and produce and distribute narrative profiles as provided in these rules;

(4) obtain a self-assessment from each judge to be evaluated;

(5) conduct an interview with each judge being evaluated after the commission’s review of a judge’s information is complete. Neither the commission nor the judge may waive the interview process;

(6) review any responses received from a judge prior to making any recommendation; and

(7) release a final narrative and recommendation to the public on each judge subject to a retention election not less than forty-five (45) days prior to the general election.

B. Commission powers. The commission may:

(1) obtain information on the performance of each judge to be evaluated from lawyers who have appeared before the judge, litigators, jurors, court staff other judges serving on the same court and judicial resource personnel, including but not limited to, probation officers, law enforcement, social service caseworkers and CASA volunteers; and

(2) if time and resources permit, conduct mid-term evaluations midway through a judge’s term of office for the purpose of improving the judge’s performance. Mid-term evaluations shall not be released to the public, except as provided in Subparagraph (1) of Paragraph F of Rule 28-205 NMRA.

28-204. Sources of information to be used for evaluations.

A. Sources. The commission in evaluating the professional performance of a judge shall rely on the official sources of information set out in Rule 28-301 NMRA.

B. Respondent lists. At the request of the commission, the Administrative Office of the Courts shall prepare and make available to the commission the names of the following persons who have appeared before or have had professional contact with a judge within eighteen (18) months prior to the initiation of the evaluation of the judge by the commission:

(1) jurors except jurors in cases with a pending motion for new trial;

(2) lawyers;

(3) litigants;

(4) law enforcement personnel;

(5) court staff (other than the personal staff of the judge);

(6) other judges serving on the same court or in the same district;

(7) quasi-judicial officers serving in the same court;

(8) probation officers, social caseworkers, CASA volunteers and other resource individuals who have appeared before the judge or who have provided assistance to the court;

(9) judges who have reviewed on appeal the rulings of the judge;

(10) law professors; and

(11) attorneys and parties who have appeared before the judge.

C. Questionnaires. The commission may use questionnaires approved by the commission to survey the following persons who have appeared before or had professional contact with the judge being evaluated within eighteen (18) months prior to the initiation of the evaluation:

(1) lawyers;

(2) litigants;

(3) law enforcement personnel;

(4) other judges serving on the same court or in the same district;

(5) quasi-judicial officers serving in the same court;

(6) probation officers, social caseworkers, CASA volunteers and other resource individuals who have appeared before the judge or who have provided assistance to the court;

(7) judges who have reviewed on appeal the rulings of the judge;

(8) law professors; and

(9) attorneys and parties who have appeared before the judge.

28-205. Maintain confidentiality and non-disclosure agreement.

The commission shall:

(1) maintain all information and materials gathered in accordance with the amendment to Rule 28-203, 28-204, and 28-205 NMRA as confidential and subject to the non-disclosure agreement consistent with the commission's agenda.

(2) ensure that its data collection and analysis processes are methodologically sound;

(3) distribute questionnaires, conduct interviews and produce and distribute narrative profiles as provided in these rules;

(4) obtain a self-assessment from each judge to be evaluated;

(5) conduct an interview with each judge being evaluated after the commission’s review of a judge’s information is complete. Neither the commission nor the judge may waive the interview process;

(6) review any responses received from a judge prior to making any recommendation; and

(7) release a final narrative and recommendation to the public on each judge subject to a retention election not less than forty-five (45) days prior to the general election.

B. Commission powers. The commission may:

(1) obtain information on the performance of each judge to be evaluated from lawyers who have appeared before the judge, litigators, jurors, court staff other judges serving on the same court and judicial resource personnel, including but not limited to, probation officers, law enforcement, social service caseworkers and CASA volunteers; and

(2) if time and resources permit, conduct mid-term evaluations midway through a judge’s term of office for the purpose of improving the judge’s performance. Mid-term evaluations shall not be released to the public, except as provided in Subparagraph (1) of Paragraph F of Rule 28-205 NMRA.

28-204. Sources of information to be used for evaluations.

A. Sources. The commission in evaluating the professional performance of a judge shall rely on the official sources of information set out in Rule 28-301 NMRA.

B. Respondent lists. At the request of the commission, the Administrative Office of the Courts shall prepare and make available to the commission the names of the following persons who have appeared before or have had professional contact with a judge within eighteen (18) months prior to the initiation of the evaluation of the judge by the commission:

(1) jurors except jurors in cases with a pending motion for new trial;

(2) lawyers;

(3) litigants;

(4) law enforcement personnel;

(5) court staff (other than the personal staff of the judge);

(6) other judges serving on the same court or in the same district;

(7) quasi-judicial officers serving in the same court;

(8) probation officers, social caseworkers, CASA volunteers and other resource individuals who have appeared before the judge or who have provided assistance to the court;

(9) judges who have reviewed on appeal the rulings of the judge;

(10) law professors; and

(11) attorneys and parties who have appeared before the judge.

C. Questionnaires. The commission may use questionnaires approved by the commission to survey the following persons who have appeared before or had professional contact with the judge being evaluated within eighteen (18) months prior to the initiation of the evaluation:

(1) lawyers;

(2) litigants;

(3) law enforcement personnel;

(4) other judges serving on the same court or in the same district;

(5) quasi-judicial officers serving in the same court;

(6) probation officers, social caseworkers, CASA volunteers and other resource individuals who have appeared before the judge or who have provided assistance to the court;

(7) judges who have reviewed on appeal the rulings of the judge;

(8) law professors; and

(9) attorneys and parties who have appeared before the judge.
of the evaluation of the judge by the commission:

   (1) jurors except jurors in cases with a pending motion for new trial;
   (2) lawyers;
   (3) litigants;
   (4) law enforcement personnel;
   (5) court staff [other than the personal staff of the judge];
   (6) other judges serving on the same court or in the same district;
   (7) quasi-judicial officers serving in the same court;
   (8) probation officers, social caseworkers, CASA volunteers and other resource individuals who have appeared before the judge or who have provided assistance to the court;
   (9) judges who have reviewed on appeal the rulings of the judge;
   (10) law professors; and
   (11) attorneys and parties who have appeared before the judge.

D. Random sample. Surveys shall be conducted by mailing questionnaires to those persons listed in Paragraph C in sufficient numbers to achieve a random, statistically valid sample.

E. Interviews with judges. The Administrative Office of the Courts shall schedule interview sessions for judges with the commission. All efforts shall be made to accommodate court dockets and calendars of the commission members and the judges;

F. Oral interviews. The commission, at its sole discretion, may conduct interviews with persons who have appeared before the judge on a regular basis. The commission shall ensure that the persons interviewed represent a balanced cross-section of persons who have had professional contact with the judge. The judge shall be provided with a written summary of the pertinent information concerning that judge, preserving the confidentiality of the person interviewed while advising the judge of the substance of the interview.

G. Courtroom observation. The commission may, at its sole discretion, observe a judge in the performance of duty in the courtroom. No observation may be conducted by fewer than two members of the commission or its agents.

H. Statistics. At the request of the commission, information concerning the caseload, excuses and recusals and case types of a judge being evaluated shall be provided to the chair of the commission by the Administrative Office of the Courts.

28-205. Confidentiality of information.

A. Information to be provided to the commission. The commission shall not receive:

   (1) the original questionnaires;
   (2) demographic information unless the analysis of such information by the commission’s agent proves to be statistically significant and affects the evaluation of the overall professional performance of the judge being evaluated;
   (3) any questionnaire responses concerning any judge being evaluated if a statistically valid sample has not been collected as determined by the commission, or upon recommendation by its agent.

B. Completed questionnaires. To ensure confidentiality of respondents’ questionnaires, prior to submission of the results of the completed questionnaires to the commission, the commission’s agent shall:

   (1) remove any information from the questionnaire that may identify the respondent;
   (2) separate demographic information from standard questions and comments; and
   (3) retype any handwritten comments or notes.

C. Release of information. The Administrative Office of the Courts or the commission’s agent shall not reveal the contents of any questionnaire or comment concerning a judge to anyone other than commission members.

D. Release of information to judge. Upon request, any judge being evaluated shall be provided with a summary of the pertinent questionnaire information, excluding comments and any other information that may identify the respondent. The judge shall receive the information not less than ten (10) days prior to any scheduled interview.

E. Information entitled to protection. Information relating to a judge that is obtained pursuant to these rules shall not be a public record under the Inspection of Public Records Act. Members of the commission and its staff shall not disclose any information other than as provided by this rule.

F. Disclosure of confidential information.

   (1) The chair of the commission may release certain confidential information concerning the judge in the following circumstances if:

      (a) a nominating commission requests information concerning the appointment of a judge or former judge to another appointed position and the judge signs a waiver for this purpose; or
      (b) the chief justice requests information pertaining to the appointment or assignment of a retired judge to judicial duties and the judge signs a waiver for this purpose.

   (2) Upon a majority vote of the commission, with the approval of the Supreme Court, the commission may release certain confidential information concerning the judge in the following circumstances if:

      (a) an inquiry is initiated which becomes the subject of widespread concern, the release of information would benefit the judge and the public and the judge signs a waiver for this purpose;
      (b) a government agency or nominating commission requests information concerning the appointment of a judge or former judge to another appointed position and the judge signs a waiver for this purpose;
      (c) an agency authorized to investigate the qualifications of persons for admission to practice law requires information in order to evaluate a judge’s application for admission to the bar of another state and the judge signs a waiver for this purpose; or
      (d) the chief justice requests information pertaining to the appointment or assignment of a retired judge to judicial duties.

G. Waiver. A judge may waive confidentiality of information by disclosing confidential information relating to the judge to persons other than members of the commission, its staff, the judge’s staff, attorneys or advisors.

H. Identity of respondents not subject to exception or waiver. Under no circumstance may the commission or any member of its staff release information that may identify or lead to the identification of a person providing information or making comments regarding a judge.

I. Retention of information. The commission’s agent may not purge information without the prior approval of the commission. The commission or its agent shall destroy all raw questionnaires after the data has been entered and the commission has accepted the aggregate data tables.

J. Participation in other activities. Other than the chair or a designee of the chair, no commission member, staff member or agent of the commission may publicly discuss the narrative profile, the retention recommendation or any other information relating to a specific judge except as it relates to the development of the process of judicial evaluation.
Breakfast at the HNBA CLE Series:
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WHEN: October 19, 2007 from 9:00 A.M. to noon
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WHAT: Breakfast and 2.7 CLE credits in one great package!

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Assistant Trial Attorney
Assistants Trial Attorney wanted for immediate employment with the Seventh Judicial District Attorney’s Office, which includes Catron, Sierra, Socorro and Torrance counties. Minimum Qualifications: Based on the New Mexico District Attorney’s Personnel and Compensation Plan, and admission to the State Bar of New Mexico. Salary will be commensurate with experience and budget availability. Send resume to: Seventh District Attorney’s Office, Attention: J.B. Mauldin, P.O. Box 1099, 302 Park St., Socorro, New Mexico 87801.

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Assistant Trial Attorney and Senior Trial Attorney
Third Judicial District Attorney’s Office
The Third Judicial District Attorney’s Office has vacancies for Assistant Trial Attorney and Senior Trial Attorney. Qualifications and salary are pursuant to the New Mexico District Attorney’s Personnel & Compensation Plan. Resumés may be faxed to Kelly Kuenstler at (505) 524-6379, or mailed to the Third Judicial District Attorney’s Office, ATTN: Kelly Kuenstler, District Office Manager, 845 N. Motel Blvd., 2nd Floor, Ste D, Las Cruces, NM 88007.

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The 11th Judicial District Attorney’s office, Division 1, in Farmington, NM is accepting resumes for positions of Assistant District Attorney. Salary DOE. New Mexico has a 1 year temporary license available for those who have not taken the New Mexico Bar. Please send resume to: Mr. Lyndy Bennett, District Attorney, 710 E. 20th St., Farmington, NM 87401. Equal Opportunity Employer.

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Applications for Paralegal (Regular Part-Time Position) being accepted through 5:00 p.m., October 23, 2007. Send applications or apply at the Second Judicial District Court, Human Resource Office, 400 Lomas NW, Suite 325, Albuquerque, NM 87102. SALARY AND BENEFITS: $17.49 hourly. Health, Dental, Vision, Life and Legal insurance options. 4.62 hours annual leave and 3.69 hours sick leave per pay period pro-rated according to part time schedule. 25 year retirement plan with no age limit. WORKING DAYS/HOURS: Monday through Friday (8:00 a.m.-5:00 p.m.) SUMMARY OF POSITION - Under general supervision of the Director of Pro Se; performs highly skilled non-routine legal support work in a legal office or court setting; interviews clients; manages cases; composes legal correspondence and other legal documents as directed, and performs a variety of paralegal duties in specific areas of law. EDUCATION/EXPERIENCE: Shall meet one or more of the following educational or work experience: (A) Graduation from a paralegal program that is (1) approved by the ABA; (2) an associate degree program; (3) a post-baccalaureate certificate in paralegal studies; or (4) a bachelor's degree program. (B) Graduation from a post-secondary legal assistant program which consists of a minimum of 60 semester hours or equivalent, as defined by the ABA guidelines for the Approval of Paralegal Education Program. (C) A bachelor's degree in any field plus two years of substantive law-related experience under the supervision of a licensed attorney. Successful completion of at least 15 semester hours of substantive paralegal course may be substituted for one year of law-related experience. (D) Graduation from an accredited law school and not disbarred or suspended from the practice of law by the State of New Mexico or any other jurisdiction. (E) Certification by the National Association of Legal Assistants, Incorporated, the National Federation of Paralegal Associations, Incorporated or other equivalent national or state competency examination plus at least one year of substantive law-related experience under the supervision of a licensed attorney. (F) A high school diploma or equivalent plus 7 years of substantive law-related experience under the supervision of a licensed attorney.

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All advertising must be submitted by e-mail or fax by 3 p.m. Wednesday, 11 days prior to publication. The Bar Bulletin publishes every Monday. Advertising will be accepted for publication in accordance with standards and ad rates set by the publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication requests. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. Cancellations must be received by 10 a.m. on Thursday, 12 days prior to publication. For more advertising information, contact Marcia C. Ulibarri at (505) 797-6058, e-mail ads@nmbar.org or fax (505) 797-6075.
Office Space

Office Building Available
1-40 at Rio Grande. Please call 866-698-7435 for details.

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

Downtown Offices
Up to three (3) offices with secretarial areas available in downtown area (4th Street & I-40). Rent includes receptionist; use of conference room; high speed internet connection; phone system; runner 3 days a week; free parking for staff and clients; use of copy machine; and employee lounge. Janitorial and utilities included in rent. Contact Jerry at 505-243-6721 or gbschof@dcbf.net.

Office Space – Uptown Area
Hunt & Davis, P.C. has two offices and two secretarial spaces for rent in a beautiful one-story building near Louisiana and Menaul. Rent includes reception services, shared use of four conference rooms and an afternoon courier service for filings at the Courts and County and for mail. Plenty of parking, great location and nice atmosphere. Will rent either together or separately. Basement space is also available for rent for files. Space is available as of November 1st. Contact Cathy Davis at 881-3191 for more information.

Prime Uptown Location

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Close to downtown, courthouses, hospitals. Reception area, conference rooms, employee lounge included. Copy machine available. Ample free parking and easy freeway access. From $ 195.00 per mo. Utilities included. Oak Street Professional Bldg., 500 Oak St. N. E. Call Jon, 507-5145; Orville or Judy, 867-6566.

Downtown Albuquerque
620 Roma Avenue, N.W. $550.00 per month. Includes office, all utilities (except phones), cleaning, conference rooms, access to full library, receptionist to greet clients and take calls. A must see. Call 243-3751.

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Hats Off
to our
Volunteers Attorneys
for the
Homeless Legal Clinic
in Las Cruces

The Young Laws Division of the State Bar of New Mexico and the New Mexico Center on Law and Poverty wish to thank the following attorneys who have generously volunteered their time at the Las Cruces Legal Clinic for the Homeless.

Larry Allred, Lilley Law Offices
Steve Almanza, Private Practice
Manual Arrieta, Arrieta Law Firm PC
Amy Hauser, Miller Stratvert
Michael Lilley, Lilley Law Offices

The clinic is open every Wednesday from 12:30 p.m. to 2:30 p.m. Volunteer attorneys who staff the Clinic meet with an average of three to four homeless persons each. The Clinic is covered through malpractice insurance policy through the State Bar of New Mexico. Volunteering at the Clinic can be a gratifying and rewarding experience. Your help can make a major difference in their lives. To volunteer please contact Stacey Leaman at 505.255.2840 or email stacey@nmpovertylaw.org.
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