



Voting in the 2018 election for the State Bar of New Mexico Board of Bar Commissioners will begin Nov. 9 and close at noon on Nov. 30. Four candidates submitted nomination petitions for the three open positions in the **First Bar Commissioner District (Bernalillo County)**, so there will be an election in that district. Voting will be conducted electronically. For voting procedures, see page 9.

With regard to the remaining positions, one nomination petition was submitted for the open position in the **Second Bar Commissioner District (Cibola, McKinley, San Juan and Valencia counties)** from Joseph F. Sawyer, so he will be elected by acclamation; one nomination petition was submitted for the open position in the **Third Bar Commissioner District (Los Alamos, Rio Arriba, Sandoval and Santa Fe counties)** from Constance G. Tatham, so she will be elected by acclamation; and no nomination petitions were submitted for the open position in the **Sixth Bar Commissioner District**, so the Board will appoint someone from that district to fill the vacancy at their February meeting.

First Bar Commissioner District Candidates

Hon. Kevin L. Fitzwater (ret.)



Biography

Hon. Kevin L. Fitzwater (ret.) is a retired Metropolitan Court judge. On the bench for 18 years hearing criminal and civil cases, he also served as Chief Judge. He founded the first Mental Health Court in New Mexico. Previously, he served as a deputy district attorney in charge of the Metropolitan Court division, handling a broad range of cases from misdemeanors to violent crimes. Fitzwater

came to the DA's office after leaving active military service. He served in the United States Marine Corps as a combat arms officer, having graduated from UNM in 1981, and was one of four selected to attend law school, coming home to attend UNM law school. He returned to active duty as a criminal defense attorney, and in appellate law. He retired after 30 years as a colonel. Since 2015, he has served as a member of the State Bar Board of Bar Commissioners.

1. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.

The State Bar should be addressing issues such as professionalism, technology and community service. There should be a greater interest in reaching rural areas and providing services to smaller communities. Overseeing the progress of technology in the profession is an on-going challenge, and the State Bar must take a leadership role to ensure all members of the Bar are served well. The relationship with the different sections must be one of supporting and advising to maintain the mission and goals each are committed to achieving. Also, the State Bar must be a vehicle for uniting the profession and a model of serving it.

2. How well do you think the State Bar is fulfilling its mission and objectives?

The State Bar is doing a good job of addressing the needs of the profession. In areas such as pro bono work, energizing young lawyers and being at the forefront of aiding the bar in adapting to changes and challenges, the State Bar is doing an admirable job. There is always room for improvement, and areas such as e-filing, electronic access to court documents, equal access to justice in all areas of the state and mentoring young lawyers remain an on-going challenge. Having served as one of your commissioners for the past three years, I know how hard the State Bar staff and leadership have worked on these objectives, and I have confidence in the innovation they have shown in tackling these issues.

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

I have served on the State Bar Board of Bar Commissioners since 2015. I have had memberships in several law sections of the bar and memberships in such diverse organizations such as military and related international bar associations. As a judge, I served on the Judges Leadership Initiative of the Council of State Governments and mentoring for Mental Health Courts across the country.

Clara Moran



Biography

I am currently the Deputy Attorney General at the New Mexico Office of the Attorney General, overseeing the Special Prosecutions Division and the Medicaid Fraud Control Division. Currently, I oversee the prosecution of public corruption cases, as well as several cases involving abuse of vulnerable populations. I am a UNM School of Law graduate, Class of 2005, and have been exclusively a

prosecutor since passing the bar exam. Previously, I worked as a district attorney at the 2nd Judicial District Attorney's Office, prosecuting child abuse cases, gang crimes, and domestic violence. I have two children, and my husband is also a practicing attorney.

1. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.

An important issue to me is providing legal services to victims of crime. While victims of crime have statutory rights, very few of these victims exercise those rights. In my experience, many of these victims simply are not aware of their rights, and prosecutors are limited in how they can advocate on their behalf. Our profession has done an outstanding job in providing access to resources for pro se litigants in the context of civil matters. I would like to see our profession expand this access to include survivors of crime, so that they can better understand and exercise their rights to restitution, to participate, and to be informed.

2. How well do you think the State Bar is fulfilling its mission and objectives?

As a current Bar Commissioner, I have seen firsthand how active and devoted my colleagues on the Commission are in responding to issues that impact our profession. For instance, the Commission has been active in assisting the judiciary in making it easier for lawyers and the public to access court records and pleadings via the SOPA application. Additionally, the Commission has expanded its outreach to the public, providing opportunities for pro se litigants to receive advice and direction. The Commission has embraced technology, such that more lawyers are now satisfying their CLE credits through webcasts over the internet. I feel that the State Bar is an asset to our profession.

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

I am a current Bar Commissioner, having been elected in 2015. In this capacity, I serve on the SOPA Committee, the Rules Committee, the Awards Committee, and as the State Bar liaison to the Rules of Criminal Procedure Committee. Prior to this, I was a member and Vice Chair for the Young Lawyer's Division and chair of the Prosecutors Section of the State Bar. I have served on a number of Judicial Nominating Committees, and I have been a member of the Supreme Court's Committee on Uniform Jury Instructions (Criminal).

Ben Sherman



Biography

Ben Sherman is the founder of Ben Sherman Law, where he enjoys representing injured individuals in workers' compensation cases. Prior to starting his own firm in 2012, he served the public as a prosecutor with the 2nd Judicial District Attorney's Office and as an assistant city attorney with the City of Albuquerque. Sherman is a proud 2008 graduate of the University of New Mexico

School of Law and has been fortunate to practice law in New Mexico for the past ten years. A fluent Spanish-speaker, he enjoys representing people from all communities and appreciates New Mexico's unique diversity and rich traditions. Sherman is a past chair of the State Bar of New Mexico Young Lawyers Division and currently serves on the University of New Mexico School of Law Alumni Board. In his free time, he enjoys volunteering, playing soccer, kayaking, hiking, music, reading, and spending time with family and friends.

1. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.

The State Bar will soon decide whether it will continue the Legal Specialization Program after it is ended by the New Mexico Supreme Court. It is crucial that this program continues, not only for attorneys currently recognized as specialists, but for attorneys wishing to be recognized in the future. The public also benefits from this program, as it serves to improve the quality of legal services available. Despite recent improvements, judicial salaries in our state remain too low. The salaries of New Mexico's judges continue to lag behind the rest of the country. In order to attract and maintain quality decision-makers in our profession, it is imperative that we strive and advocate for fair judicial compensation. Finally, the State Bar needs to improve its website!

2. How well do you think the State Bar is fulfilling its mission and objectives?

The State Bar has been criticized for collecting members' dues and not providing any obvious benefit besides the weekly *Bar Bulletin*. Many attorneys do not realize the many programs managed by the State Bar and the number of services available to our members. I believe the State Bar has been successfully meeting the new and ongoing challenges that come with managing IOLTA, MCLE, the Client Protection Fund, and the Bridge-the-Gap Mentorship Program. At the same time, the

State Bar has continued to offer member services such as free legal research (Fastcase), the *Bar Bulletin*, the N.M. Lawyers and Judges Assistance Program, and the member directory. However, it is crucial that we continue to listen to our members and stay accountable to them and their needs.

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

I have been privileged to serve the New Mexico legal community as a Commissioner on the Board of Bar Commissioners since 2015. Prior to being elected to the BBC, I served on the Board of the State Bar of New Mexico Young Lawyers Division (YLD)

from 2010-2015, serving as chair in 2014. During my time on the YLD Board, I helped implement a successful mentorship program at the University of New Mexico School of Law, organized mock interviews for law students, volunteered for Wills for Heroes, participated in Constitution Day, and created networking events for young attorneys. I currently sit on the Alumni Board of the University of New Mexico School of Law and I serve on the Board of the NM Hispanic Bar Association.

Lucy Sinkular



Biography

Lucy Sinkular practices family law at Atkinson & Kelsey, P.A. She earned her B.A. in English from the University of Nebraska and her J.D. from the University of Kansas. Lucy was admitted to the New Mexico Bar in 1994, working in insurance defense then for Atkinson & Kelsey, P.A. for two years during the 1990s. Lucy moved with her husband Scott to his military assignments around the world

while maintaining a solo-practice in civil litigation and family law. The Sinkular family includes their daughter attending Colorado State University and son at New Mexico State University, as well as two Labs Paddy and Marzen, and Queenie the cat. Lucy is an avid runner, biker and hiker. Volunteer work has long been a staple of Lucy's life, including participation with the Boy Scouts, Girl Scouts, PTAs, military service organizations and St. Mark's Episcopal Church, where she serves on the finance committee.

1. Give your perspective on any important issues that you believe the profession and the State Bar should be addressing.

The needs of solo and small firm attorneys are an important issue: solo practitioners were the largest group of respondents (26%) in the 2017 Economics of Law Practice in New Mexico study. Through outreach, we should ensure all members know the range of benefits the State Bar offers—resources such as Fastcase research, continuing legal education and networking through section and committee membership. We should work to increase opportunities for collaboration and mentorship between experienced and new attorneys. Stronger and more successful solo and small firm practitioners will create the ripple effect of increased

access to legal services. In turn, the State Bar needs to elevate the level of civility and competence among all our members.

2. How well do you think the State Bar is fulfilling its mission and objectives?

I think the State Bar does a very good job of fulfilling its mission. The Bylaws list nine separate purposes for our organization. These varied purposes relate to individual attorney members, members of the public and to the State Bar's participation in the legislative, executive and judicial processes. New Mexico's bar is a vibrant and healthy entity with broad ranging and diverse participation. I pledge to continue these efforts. The State Bar should explore ways to increase participation in Bar activities across the state and across practice areas. The more people who work to support the State Bar, the more effective we will be.

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

I was admitted to practice in New Mexico in 1994. My bar activities and law-related involvement include:

- N.M. Women's Bar Association, Board of Directors member and Compliance Officer;
- N.M. State Bar Family Law Section, Board of Directors member;
- Military Spouses J.D. Network (national organization that supports military spouses in the legal profession by advocating for licensing accommodations for military spouse attorneys), member;
- American Bar Association, ABA Family Law Section Custody Committee, member.

Electronic Voting Procedures

A link to the electronic ballot and instructions will be emailed on Nov. 9 to all active members in the First Bar Commissioner District using email addresses on file with the State Bar. Active status members who reside outside the State of New Mexico shall vote in the district where the State Bar office is located. To provide an email address if one is not currently on file or to request a mailed ballot, contact Pam Zimmer at pzimmer@nmbar.org.

The election will close at noon on Nov. 30, at which time the election results will be certified.