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Introduction

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INTRODUCTION

On behalf of the 2010–11 editorial board, it is with our distinct pleasure that we introduce the first issue of Volume 41 of the New Mexico Law Review (NMLR). This has been an invigorating year for us, not simply because we have amazing articles to share with you, but because of some exciting changes that have occurred in preparation for Volume 41. Most notably, we have rededicated our journal to issues impacting the state of New Mexico. We hope this change will greatly assist our judiciary, both on the federal and state bench, as well as members of the state bar involved in litigation or any other dispute. Further, we have decided to eliminate the third issue, which housed articles written by student authors. By spreading our student articles among the first and second issues, the students’ hard work is appropriately paralleled with professional articles, while simultaneously providing our readership with well-researched, well-written, and well-analyzed articles predominantly focused on issues affecting New Mexico.

To kickoff this spring 2011 issue, we begin with Randi Mandelbaum’s Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption, which analyzes an important issue that can have great impact on children who have been adopted or are in foster care: maintaining their sibling relationships. Professor Mandelbaum begins by discussing federal and state statutes covering post-adoption sibling contact, as well as how courts have addressed the issue of post-adoption sibling contact. The article then turns to social science research to demonstrate the importance of the sibling relationship. It concludes by providing plausible solutions to the issues surrounding post-adoption sibling contact while recognizing the hurdles associated with such recommendations.

Two subsequent articles in this issue involve more practical implications, particularly for our litigators. In Jeff Fisher’s Lowering Standards: The Simultaneous-School-Bombing-and-Shooting-Threat Exception of Armijo ex. rel. Armijo Sanchez v. Peterson, the author delves into Fourth Amendment territory. Specifically, the article looks at the implications of a Tenth Circuit decision that, for the first time, authorized officers to use the emergency-aid exception in the criminal context. Federal Rule of Evidence 502 is explored in an aptly named article by Ann M. Murphy, Federal Rule of Evidence 502: The “Get Out of Jail Free” Provisions—Or Is It? This rule greatly assists attorneys, particularly those engaged in civil litigation, due to the expansive amounts of electronically stored information maintained by individuals, business, and firms alike. However, as evidenced by Professor Murphy’s take on the federal rule and recent district
court opinions involving it, Rule 502 can serve as a godsend to attorneys while at the same time becoming their worst nightmare due to the possible inadvertent disclosure of privileged documents.

Dorothy E. Hill delves into a sensitive immigration-related topic: guest worker programs. In *Guest Worker Programs Are No Fix for Our Broken Immigration System: Evidence from the Northern Mariana Islands*, Professor Hill explores H-2 visas, particularly the issues of abuse associated with guest workers. This topic not only addresses immigration issues impacting New Mexico and other states, but it also hit home for one of our editors, as he is a native of the Northern Mariana Islands.

The last of our professional authors in our first issue, Suzianne D. Painter-Thorne, discusses the problem of violence against women in *Tangled Up in Knots: How Continued Federal Jurisdiction Over Sexual Predators on Indian Reservations Hobbles Effective Law Enforcement to the Detriment of Indian Women*. Professor Painter-Thorne explores this sensitive issue from the paradigm of sexual violence against women on reservations and in the Native American community. This is a particularly important topic for New Mexico given its close ties to Indian sovereign nations.

We conclude our first issue with a student article written by one of our Co-Editors-in-Chief, D’Ontae D. Sylvertooth. In *Untangling Ricci v. DeStefano: The Wards Cove of the Twenty-First Century*, Sylvertooth tackles a complicated employment law case decided by the Supreme Court that impacts the way a disparate impact case is proven by plaintiffs. Most pointedly, he addresses the Supreme Court’s importation of the strong basis in evidence standard from the equal protection context into the employment law context.

It is our hope that this first issue of Volume 41 intrigues you, both professionally and personally, by delivering high-quality articles that are relevant to society today. Further, we hope that the changes implemented this year continue to serve you, the reader, perhaps in better ways than in the past. Improvement is always necessary and sometimes calls for a change in service and product. Thank you for allowing the 2010–11 Editorial Board to serve as that mechanism of change. We look forward to serving you in our future issues.

Happy Reading!

—Jennifer Duprez & D’Ontae Sylvertooth, Co-Editors-in-Chief