Spring 2013

Introduction

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Recommended Citation
Available at: http://digitalrepository.unm.edu/nmlr/vol43/iss1/2

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“. . . I’ve never been satisfied with my own prose; since I don’t think my own work is worth writing home about, I’d feel presumptuous telling other people what they ought to do.” - Justice David Souter, declining an interview on legal writing.

Lawyers are writers and writers get blocked. For that matter, judges get blocked, professors get blocked, and editors of the law review get blocked (no surprise there). Justice Souter was dissatisfied with his own writing. Even Daniel Webster is reported to have gone dry, if only briefly, in his famous case against the Devil.

But no lawyer can stand to stay blocked for long. Enter psychologist David A. Rasch and legal writing instructor Meehan Rasch, whose guide for legal writers is a practical primer for identifying and overcoming barriers to writing.

One of the most important tools for overcoming writer’s block is effective planning, and Professor Michael J. Higdon breaks down what surely must be among the Ten Commandments to legal writers: Know thy audience. Higdon highlights the wants, needs, and desires of the legal reader and explains how to meet those demands within the context of effective advocacy.

In contrast, Professor Anne P. Hemingway advocates for teaching law students to be just a bit more blocked, if only when posting to Facebook. Her article addresses the professional pitfalls of social media and provides a blueprint for using Facebook as a tool in the classroom.

The past two years have been the warmest on record in New Mexico, and the environmental impact of manmade pollution is at the fore of environmental discussions. Two articles in this issue address approaches to making our communities more environmentally sustainable. In the first, Professor Roberta F. Mann advocates for better tax incentives in support of smart grid technologies. In the second, Professors Darren A. Prum and Robert J. Aalberts discuss the use of covenants to create greener communities than those mandated by municipal, state, or federal laws.

As this issue of the New Mexico Law Review goes to press, opinions on two high-profile cases brought by pro se litigants have just been issued by the U.S. Supreme Court: Levin v. United States and Millbrook v. United States. But “do-it-yourself” lawyering does not yield such positive results for many indigent litigants, and the National Association of Criminal Defense Lawyers’ John P. Gross argues that indigent defendants in civil cases, when faced with possible jail time, deserve the same right to counsel available to them in criminal cases.

We round out this issue with three case notes on significant rulings in the New Mexico courts: Christus St. Vincent v. Duarte-Afara, State v. Neal, and State v. Rudy B. Erin K. Jackson argues that the ruling in Christus St. Vincent incorrectly elevates the policies supporting a statute of repose above the significant and well-established law of indemnification. Alicia M. LaPado discusses the problems associated with the New Mexico
Supreme Court’s analysis of reasonable suspicion in its ruling in *Neal*. And in her article on *Rudy B.*, Amanda L. Thatcher dissects the way that juveniles are afforded inadequate protection when sentenced as adults in New Mexico’s courts.

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