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Introduction

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INTRODUCTION

The *New Mexico Law Review* is delighted to showcase the talents of selected *Law Review* members with this final issue of Volume 35. Each year, the *Law Review* publishes its final issue with articles that are particularly relevant and practical for the New Mexico Bench and Bar. The *Law Review* is proud to offer New Mexico's legal professionals a wide array of issues covering both criminal and civil aspects of the law.

The issue opens with Todd Coberly's article, *State v. Vandenberg: Lowering the Fourth Amendment Bar While Avoiding the Issue of Pretextual Police Conduct*, which examines the failure of the New Mexico Supreme Court to uphold Fourth Amendment protections against arbitrary police conduct. Jaime Fontaine's article, *For This Right There Is a Remedy: The New Mexico Supreme Court's Application of Ex parte Young to Allow Suits Against the State*, Gill v. Public Employees Retirement Board, follows, addressing the State's Eleventh Amendment right of sovereign immunity and the challenge to this immunity by a private cause of action under the Age Discrimination in Employment Act. Charlotte Rich's article, *Statutes of Limitations Applied to Minors: The New Mexico Court of Appeals' Balance of Competing State Interests to Favor Children*, regresses again from states' rights and looks instead at how the State, through the New Mexico Tort Claims Act and the Medical Malpractice Act, failed to protect the due process rights of a faction of its citizens—in particular, minors. Aletheia V.P. Allen's article, *State v. Flores: In the Wake of Atkins v. Virginia, New Mexico Tackles Capital Punishment for Defendants with Mental Disabilities*, then addresses how the State upheld its constitutional obligations through a discussion of the death penalty and the Eighth Amendment violation of executing defendants with mental retardation. Denise Chanez next presents an argument for what many consider to be the most basic element of The Bill of Rights: the freedom of speech. In her article, *Twohig v. Blackmer: New Mexico's Broad Protection for Trial Participant Speech and the Hurdles to Cross before Imposing Gag Orders*, Chanez considers how the freedom of speech provision of the First Amendment limits the permissibility of gag orders in high profile cases. Mark Barron then moves into a property discussion. In his article, *Go Not Where There Is a Path: Prescriptive Easement Law in New Mexico after Algermissen v. Sutin*, Barron explores the New Mexico Supreme Court's attempt to make the law of acquiring easements by prescription in New Mexico more efficient. Thomas Giordano-Lascari, in his article, *A Third-Party Claimant Becomes an Insured: Hovet v. Allstate and the Expanding Right to Sue under New Mexico's Insurance Code*, then delves into an analysis on how New Mexico courts have continued to stay at the forefront of the law by allowing third parties to bring a cause of action under the Insurance Code. Finally, Mark Standridge's article, *Passive Voice: The Unclear Standards for Establishing Personal Jurisdiction in New Mexico via the World Wide Web*, examines the jurisdiction of the courts in the face of Internet businesses and the uncertainty of what constitutes "passive" websites. Further, Standridge's article discusses how commonplace activities by laypeople could result in personal jurisdiction via the Internet.

We hope you enjoy the final issue of Volume 35!