From the Dean

In my last letter, I mentioned that we are undergoing a self-study for our upcoming ABA accreditation review. Led by Associate Dean Mike Norwood and Professors Nathalie Martin, José Martínez and Carol Suzuki, this process of self-evaluation reminds us of our accomplishments, as well as our aspirations.

I recently announced to the faculty that we will follow up this self-study with a new strategic planning process to update our last plan and to try to become even more strategic in our use of this precious public resource.

We will refer to two studies of legal education to inform our planning, both published this year:

*Educating Lawyers: Preparation for the Profession of Law*, Carnegie Foundation
*Best Practices for Legal Education: A Vision and a Road Map*, Stucky and others

In response to these studies, we will focus primarily on outcome-based planning, identifying the skills and knowledge we think each of our students should have at the time of graduation. Then, working back from the outcomes we expect for students, we will review all aspects of our program for consistency with those goals.

We will need your help and advice through this yearlong process and I look forward to collaborating with our graduates and friends on this important project. As always, I welcome your comments anytime. Please email me at scarnecchia@law.unm.edu.

Have a lovely summer,

Suelyn Scarnecchia

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**HIGHLIGHTS**

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On the cover: Associate Dean Michael Norwood worked with clinic students in collaboration with the UNM School of Medicine. Pictured with Norwood are (l-r) Margot Sigal, Erin Craig and Barry Berenberg. See article on Page 8.
Ellis Amicus Team Focuses on Medical Research

Professor Jim Ellis was at it again last fall, assembling a team of students and faculty to produce an amicus brief for a U.S. Supreme Court case in less than a month, which included finals week. What set this effort apart from the 15 previous briefs was that it sent students to the UNM Health Sciences Library and Informatics Center for most of their research.

The brief addressed two Texas death-penalty cases, Abdul-Kabir v. Quarterman and Brewer v. Quarterman. In separate incidents, the men were convicted of murders during robberies. At issue was the failure of the Texas courts to allow jurors to consider mitigating evidence when sentencing the men to death. In both cases, the men had suffered trauma as children: Abdul-Kabir was mistreated and abandoned; Brewer was physically abused and, as an adult, suffered from depression.

The students’ challenge was a scientific one; they researched brain development, how various forms of abuse can affect that development and how long those effects might last. Their research produced a printed Table of Authorities that was 17 pages long, with most articles cited being published since 2000.

“We became medical students,” says Erin O’Connell, who along with Kate Girard, led the student team. Both have served as Ellis’ research assistants for the past two years and would keep doing so if they could, but they are graduating this spring. “Luckily, some team members had a science background, but the rest of us had to jump in and learn how to do this kind of research that centered on neuro-physiological articles.”

For both O’Connell and Girard, the biggest surprise was to discover that neglect is more damaging to the brain’s development than physical abuse. They also learned that both physical and psychological abuse can lead to mental illness and is often irreversible.

In typical fashion, Ellis included the students in every step of the process, meeting with them daily.

“He spends a lot of time reminding us that the Supreme Court judges are nine people and that we have to be subtle in how we present the information,” says Girard.

For both Girard and O’Connell, working with Ellis has been not only the highlight of their law-school experience, but of their lives.

“As students, we feel an unbelievable honor that Professor Ellis is so generous with his knowledge. He loves the students and teaching, and he uses this experience to inform and excite us,” says O’Connell. “It’s been like winning the lottery to work with him.”

The high court heard oral arguments in January and in April ruled by a vote of 5-4 in favor of the position supported by the UNM team in both cases.

**Members of the Amicus Team**

Kate Girard  
Erin O’Connell  
Nikko Harada  
Jennifer Maloney  
Nick Marshall  
Tim McLaughlin  
Katie Wray  
Jennifer Benoit  
Mark Bolton  
Nat Chakeres  
Gail Chasey  
Martin Guerrero  
Erin Olson  
Mike Osborn  
Samantha Ruscavage-Barz  

**Faculty**

Michael Browde  
Carol Suzuki  
Norman Bay  
Steven Homer  
April Land

Tax Law Club Provides Free Tax Service

Chad Gruber helps Mary Jeff Guthrie fill out her income tax forms as part of a free service offered by the UNM School of Law’s Tax Law Club. Two days a week for two months, club members volunteered to provide the service to taxpayers of all ages through AARP Tax-Aide. By filing day, they had assisted nearly 100 taxpayers.

Correction

In the Winter 2007 issue of UNM LAW, Zackeree Kelin’s name was misspelled. We regret the error.  

SPRING 2007
PLSI Celebrates 40th Anniversary

In 1966, Fred Hart, then a visiting professor from Boston College Law School, designed a pilot program for Native Americans interested in attending law school. At that time, there were less than 25 Native Americans practicing law and about 15 Indian law students nationwide.

That first summer 17 students attended an eight-week session where they learned how to brief a case, use the law library and become acquainted with the Socratic method and other rigors they could expect to encounter during their first year of law school.

The program was so successful that it has continued for 40 years. Today, PLSI boasts about 1,000 graduates, many who are now among the more than 3,000 Native American lawyers in practice.

“PLSI graduates have finished law school at a rate significantly higher than the national average for law schools, and are now to be found throughout Indian affairs, in all three branches of their tribal governments and in a variety of other jobs,” says Deloria, a member of the Standing Rock Sioux Tribe.

To celebrate, last April, 250 alumni and friends of the Pre-Law Summer Institute (PLSI) returned to Albuquerque for a daylong symposium that examined the program’s origins and successes, including its impact on Indian education, Indian law and tribal government. A banquet followed the symposium.

In 1973, Deloria took over as director of the American Indian Law Center (AILC) and held that position until resigning this year. In addition to overseeing the PLSI, the law center has trained tribal judges and clerks and helped tribes develop tribal codes. In the 1970s, the AILC conceived and operated a paralegal training program for tribal governments. During two years, 100 paralegals learned about all aspects of the federal legislative process with an emphasis on how to access federal domestic assistance programs. Many went on to law school.

Among its many other initiatives, the AILC founded the Commission on State-Tribal Relations, which studied and encouraged improved intergovernmental relations in the governance of Indian reservations. It was also instrumental in the formation of the World Council of Indigenous Peoples, the first international organization to represent indigenous peoples before the United Nations. In the early 1970s, the law center did groundbreaking work on the issue of the role of tribal governments in the federal domestic assistance program delivery system, which has helped tribes participate in many programs previously available only to state and local governments. Also, under the AILC’s aegis, two editions of Cohen’s Handbook of Federal Indian Law have been published, the latest in 2005.

In the early 1970s, as more Native Americans began attending law school, the law center focused on keeping them enrolled. A generous financial aid package was available to PLSI graduates and other Native law students until the mid-1980s. Despite the loss of that funding, the program has persevered. Although it always has been housed at the UNM School of Law, in 1976, the AILC became an independent, Native American-controlled nonprofit corporation.

In 1971, Toby Grossman (’68) was hired to work on family law issues. She stayed on and through the years, worked on projects ranging from researching and preparing a report for Congress on tribal juvenile justice systems to supervising a national survey on the legal needs of Indian elders, which resulted in the Model Tribal Elders Protection Code.

Heidi Nesbitt was hired in 1984 to administer the PLSI. These days, about 36 Native Americans complete the summer course. Shannon
Rogers, a member of the Navajo Nation, joined the staff in 2001 as administrative assistant. Informally, Deloria and his staff have continued to provide both personal and professional support to PLSI graduates and Native American students at the UNM Law School.

“It has been a real privilege having the UNM School of Law as a base of operations all these years; the interaction with students, both Indian and non-Indian, has been invaluable to us, along with the support of the law school staff,” says Deloria.

UNM NALSA Named Top Chapter Nationwide

The UNM NALSA chapter received the National NALSA Chapter of the Year award during the National NALSA spring awards banquet. In addition, Casey Douma was named National NALSA 3L of the Year.

“Casey has done an outstanding job working with Native students throughout the state, as well as maintaining his traditions, finishing his third year of law school, testifying in the state Legislature in an attempt to change Columbus day to Indigenous day, and so much more,” said UNM NALSA President Shela Young.

There are 37 NALSA chapters throughout the country.

AILC Receives Five-year Grant

The Law School Admissions Council has awarded the American Indian Law Center a five-year grant for support of its Pre-Law Summer Institute.

The funding, $125,000 a year, came through the efforts of PLSI Director Heidi Nesbitt and with the support of PLSI alumni and University of Minnesota Professor Kevin Washburn. It will supplement living allowances and travel funds for students who attend the program, and support development efforts. “We’re thrilled to have this support from LSAC,” says Nesbitt. “It will give us the stability to plan for the long-term needs of the program and will allow more Native students without financial resources to attend.”

Sam Deloria Resigns as AILC Director

Sam Deloria has resigned as director of the American Indian Law Center after 34 years and 36 years at UNM. He is now director of the American Indian Graduate Center, which funds scholarships for Native American graduate students nationwide.

Clinic Students Research, Write Amicus Brief

Talking with clients, researching legal issues and writing legal memos and documents are all part of a typical day’s work in the UNM law clinic. Appellate work is not. But when PB&J Family Services told Antoinette Sedillo Lopez, associate dean for clinical programs, of a case in which a southeastern New Mexico woman was sentenced to three years in prison for ingesting crack cocaine during her pregnancy, Sedillo Lopez saw an opportunity.

The woman was charged with child abuse when she sought care at an emergency room two months after giving birth to a daughter. At birth, the girl had tested positive for cocaine, after which the mother confessed to drug use, but no charges were filed at that time. She pled guilty, but appealed her case to the state Court of Appeals, which held that the child abuse statute did not apply to a fetus. The state prosecutor appealed to the New Mexico Supreme Court.

Sedillo Lopez asked for volunteers to write an amicus brief in the case on behalf of PB&J. Six students stepped forward.

“Our brief focused on a number of issues, including that this type of prosecution would disproportionately impact poor minority women,” says Kim Halpain, a 3L. “We also focused on how this could potentially pull newborns and older siblings into the foster care system. By doing this, it wouldn’t address the underlying issues that cause these women to do drugs, and could drive mothers underground where they wouldn’t seek prenatal care or drug abuse treatment.”

The students agreed that the primary issue of the case involved the legislative intent of the child abuse statute — whether the Legislature intended to criminalize drug use during pregnancy.

“This experience embodied the best of clinical teaching in that we all learned from each other,” says Lopez, who directed the project.

“I am pleased to have been part of an effort that may have a substantial impact on both state law and the lives of New Mexicans,” says Iris Augusten, a 3L.

Leigh Haynes, a 3L, enjoyed collaborating with fellow law students, the Women’s Law Center and national organizations that also filed briefs.

“This was an eye-opening experience that involved family law and drug addiction,” she says. “It was an interesting issue and exciting to be able to file a brief with the Supreme Court.”

The other students who worked on the brief were Deana Bennet, Amber Chavez and Cody Lujan. In May, the Supreme Court upheld the lower court’s decision, ruling that a fetus is not considered a child under the state’s child abuse law.
Students Succeed in Legislative Projects

Law students not only learn the law in law school, but occasionally they contribute to making laws, as well.

In the past year, for example, student efforts led to the repeal of the Alien Land Act in last fall’s general election. During the recent legislative session, students researched and wrote initial drafts of two bills signed into law by Gov. Bill Richardson and two memorials approved by the House of Representatives.

Students in last fall’s Economic Development Clinic, under the supervision of Paul Nathanson and Erik Gerding, researched and wrote legislation aimed at municipal revitalization efforts.

Working with the New Mexico Coalition of MainStreet Communities, students Patrick Hart, Sarah Lough, David Meilleur and Samantha Updegraff put together the initial draft of the Arts and Cultural District Act, a House bill that would allow cities to establish arts and cultural districts and also create various tax, financial and other incentives to support arts and cultural activities in those districts. A second bill, the MainStreet Revolving Loan Act, would establish a state microfinance program to support downtown revitalization efforts.

The students researched a number of economic development law models, including complex tax legislation, both in New Mexico and in other states and cities. In particular, they were faced with the challenge of ensuring that the law passed muster under the Anti-Donation clause of the New Mexico Constitution.

In other projects, the student-researched memorials proposed changing Columbus Day to Indigenous Day and requesting the state Department of Public Safety to study the public safety and humane implications of persistently tethering domestic dogs.

Members of the UNM law school’s Student Animal Legal Defense Fund (SALDF), which was organized last summer, worked on the dog-tethering memorial at the request of an animal rights group. “We researched everything about animal dog chaining to see what laws are out there,” says Brooke Nowak-Neely, president of SALDF. “We determined it is both an animal cruelty and a health problem.” Other students who researched the memorial were Tina Gooch, Juliet Keene and Adriana Martin.

When the House memorial passed unanimously, the students were thrilled. “This is a baby step, but it brings attention to this problem,” says Nowak-Neely. She looks forward to the day when a state law will outlaw chaining dogs.

Although Suzanne Martinez does not claim ownership of the idea to establish Indigenous Day in New Mexico, she was the driving force behind the legislative effort. She made it the focus of a Southwest Indian Law Clinic project. Through her research, she discovered that South Dakota is the only state that has changed the connotation of Columbus Day and that was done 18 years ago.

After the Legislature convened, she tracked down every Native American lawmaker and member of each chamber’s Indian Affairs Committee. She even pulled Rep. Irvin Harrison of Gallup off the House floor to make her pitch for the legislation. Minutes later, they were at the Legislative Council Service drafting a bill and a memorial. Martinez, a member of the Leech Lake Band of Ojibwe, was surprised that the bill drafter used her language in both pieces of legislation.

Next came the publicity effort: she wrote press releases and convinced fellow Native American law students to testify at committee hearings. The bill failed but the memorial passed.

“Tm a big proponent of debate and it was great for Native American law students to be placed in the middle of what we felt was a much needed policy debate,” she says.

Martinez expects to be practicing somewhere in New Mexico next year and has every intention of continuing her effort to turn the memorial into state law.

The Alien Land Act was approved in 1921, reflecting a sentiment that was sweeping the country to limit the fundamental rights of Japanese immigrants. Specifically, the constitutional provision made it illegal for non-citizens to own land in New Mexico. In 2001, students in the Southwest Indian Law Clinic succeeded in shepherd a resolution through the Legislature to repeal the provision. However, voters failed to approve the resolution in the following election.

Since then clinic students have continued to work on the repeal, taking it to the Legislature again in 2005. That year, the UNM School of Law imprint was all over the resolution: Evan Blackstone (’04) helped develop the language of the resolution in his job with the Legislative Council Service and Sen. Cisco McSorley (’79) sponsored the joint resolution in the Legislature.

Students in Professor Carol Suzuki’s Spring 2005 Community Lawyering Clinic lobbied for it during the legislative session. Once again, the resolution passed the Legislature, and last fall students in Professor Jose L. Martinez’s Law Practice Clinic took up the baton, writing op-ed articles for newspapers around the state and appearing on local-access television shows. In November, voters approved the resolution, removing the provision from the New Mexico Constitution. New Mexico was the last state with such a provision on the books.

“This was the best example of public service lawyering and education that a law school could give to students in a clinical setting,” says Martinez. “It was pure altruism on the part of the students.”
Disparate Views Come Together
In Constitution Conversations

John Sugg and Josh Allison share a fascination with the U.S. Constitution. Their interpretation of the 220-year-old document differs, however. Sugg is interim president of the UNM School of Law’s chapter of the Federalist Society and Allison is co-chair of the law school’s ACLU chapter.

When they found themselves together in Supreme Court Decision Making, an upper level class taught by Professor Michael Browde, the law students saw an opportunity. Recognizing that the Constitution was of primary interest to members of both organizations, the students, along with Browde, decided to organize a series of Constitution Conversations and open them up to the entire law school.

“The goal of Constitution Conversations is to provide students with an open forum where people with differing viewpoints can come together and discuss constitutional interpretation,” says Sugg, a 3L. “By co-sponsoring the event, the Federalist Society and the ACLU hoped to bring legitimacy to the forum by ensuring that both ideological sides would be presented.”

During the spring semester, they sponsored three conversations, beginning with a showing of a debate between U.S. Supreme Court Justices Antonin Scalia and Stephen Breyer that aired last year on C-Span. The other two conversations focused on the process of how a case makes it way to the Supreme Court and the inherent conflicts between the different branches of government.

“We wanted to look at how the Supreme Court could legitimately use the Constitution, which was drafted more than 200 years ago, to resolve the legal controversies that arise in the 21st Century,” says Sugg.

In addition to Browde, UNM Law Professors Norman Bay, Jim Ellis, Ruth Kovnat and Ted Occhialino helped out with the conversations.

Allison and Sugg agree that the more law students know about the Constitution and how to articulate their interpretation of the document, the better lawyers they will be.

“It’s very important for students and classmates to be forced to see the other person’s side,” says Allison, a 2L. “This will make us all better lawyers and also better citizens.”

Advocacy Tournament

Justin Gonzalez, left, edged out Chris Gatton, second from right, in the final round of the 12th New Mexico Court of Appeals Oral Advocacy Tournament for first-year students. Also pictured are their legal research and writing instructors, Steven Homer, Barbara Blumenfeld and Chamiza Atencio-Pacheco, far right.
McCune Charitable Foundation Backs Law School Efforts

The McCune Charitable Foundation has agreed to fund two initiatives at the UNM School of Law that will not only enhance the educational experience of students, but will benefit children at the UNM Children’s Hospital. Following are details in separate stories.

Constitutional Law Fellowships

Beginning with the fall semester, two second-year UNM law students will become Constitutional Law Fellows and begin a rigorous two-year educational agenda designed to provide an immersion in constitutional law and litigation.

During the first year of the fellowship, they will complete a year-long comprehensive constitutional rights course, along with courses in evidence and trial advocacy and two semester-long externships supervised by practitioners in the field of constitutional litigation.

The following summer, they will complete at least 400 hours of pro bono work that relates practically to constitutional issues. During their final year of law school, they will be assigned at least one project or case with a constitutional dimension as part of their clinical requirement. In addition, the students’ advanced writing requirement will focus on a constitutional law topic and they will complete an additional 200 hours of pro bono work in the constitutional litigation arena.

The fellowship will cover resident tuition and fees for the two years, along with living stipends for the summer and third year for each student.

“This is a great opportunity for our students,” says Mike Norwood, associate dean of academic affairs. “Financial support for our students is one of our fundraising priorities. This opportunity to specialize in constitutional litigation is remarkable.”

With a strong belief that lawyers well versed in constitutional law will better protect the rights of New Mexico citizens, McCune board members looked to the UNM School of Law and its constitutional law expertise.

“We were concerned that not that many young people were getting involved with constitutional law issues,” says Norry Kalishman, director of programs with the McCune Charitable Foundation. “We are interested in encouraging and supporting students with an interest in constitutional law to gain practical experience in state and federal cases.”

The fellows will be chosen by a committee comprised of faculty members with an expertise in constitutional law. McCune has funded the fellowships for two years and Norwood is hopeful it will become an ongoing program.

Medical-Legal Alliance for Children

For the past 15 years, the UNM School of Law and School of Medicine have collaborated informally to address the non-medical needs of children who are seen at the Pediatrics Department or UNM Children’s Hospital.

With the support of the McCune Charitable Foundation, this effort will now become formalized as the Medical-Legal Alliance for Children and receive funding for a part-time coordinator.

Mike Norwood, associate dean for academic affairs and Andrew Hsi, with the Department of Pediatrics, have long recognized that the health of a child goes beyond biological needs; a safe environment free of conflict, appropriate housing and nourishment are just as important.

The alliance will provide up to 16 students a semester in the Community Lawyering Clinic to work with patients and their families.

“This is a great educational program for our students,” says Norwood. “It’s exciting for them to directly represent clients and provide a service to the state at the same time. And by working with medical residents and pediatricians, they will learn through the eyes of another discipline how they do what they do, and vice versa.”

Until now, the medical school collaboration provided law students with mostly family law issues. Through the alliance, Norwood anticipates more legal areas will open up, requiring law students to tackle issues such as housing, landlord-tenant disputes, education, tax and immigration matters.

“We are interested in building bridges among students in professional disciplines through opportunities in which they can learn how concerns or problems they face with clients or patients may have overlaying causes that affect their situations,” says Norry Kalishman, director of programs with the McCune Charitable Foundation. “Often people come in for health care who might have an underlying legal problem and vice versa and we want to support a collaboration to address both needs.”

The McCune funding will pay a $25,000 part-time administrative salary for two years. Norwood hopes that position can be sustained and welcomes additional support.

New Tax-Break for Older Donors

Under the new Pension Protection Act, anyone older than 70 years and six months can make a gift to the UNM School of Law using funds from their IRA without undesirable tax penalties. To take advantage of this unprecedented opportunity, donations must be made before Dec. 31, 2007.

For a complimentary brochure on this new tax break, please contact Bill Uher, Director of Development, 277-1038, uher@law.unm.edu.
Moot Court, Mock Trial

Health Law Moot Court
Members of the UNM School of Law’s Health Law Moot Court team gave an inspired performance but unfortunately did not place at the national Health Law Moot Court competition last fall at Southern Illinois School of Law. They briefed and argued a complicated case addressing the constitutional rights of individuals with respect to involuntary testing for sexually transmitted diseases. Members of the team were Martin Guerrero, Christina Gooch, Alexis Carver, Katherine Wray and Cassandra Malone. Their coach was Mary Behm (’99), a shareholder at Keleher & McLeod.

Hispanic Moot Court
Chris Melendrez was awarded second place for Best Oral Advocate out of more than 80 competitors at the 12th annual Hispanic National Bar Association’s Moot Court competition. Vanessa Chavez joined Melendrez in representing the UNM School of Law at the national competition in Minneapolis. Their coach was New Mexico Appeals Court Judge Joseph Alarid. “I feel really fortunate to have such great instructors at UNM, and also for the support of our classmates and the legal community that helped us prepare,” Melendrez said after the competition.

Jessup Moot Court
The team of (l-r) Stephen Vigil, Michael Hughes, Chris Frey and Cassandra Malone won third place for its briefs at the regional Jessup International Moot Court competition in Arizona. “The team argued persuasively, passionately and with good humor,” said Beth Gillia (’97), their adviser and coach.

NALSA Moot Court
Terry Aguilar and Aaron Choneska, both first-year law students, traveled to Minneapolis/St. Paul to represent the UNM School of Law in the National Native American Law Students Association Moot Court competition. They competed against 37 teams, but did not advance. The UNM law school also was represented by Suzanne Martinez, who, as vice president of National NALSA, was in charge of organizing this year’s competition.

National Mock Trial
The UNM School of Law sent two mock trial teams to the regional National Trial Competition in Boulder. After trying five mock trials in two-and-one-half days, the team of Stephen Lane, Heather Massoth and Robert Sanchez, all 2Ls, was one of the top two finishers, from a field of 22 teams. They were given a new case and a month to prepare for the national competition in Houston. The UNM team narrowly missed advancing to the quarterfinal round when they lost the final preliminary round to the University of Houston, the 2004 national champion. Albuquerque lawyers Steve Scholl (’89) and Brent Bailey coached the team.

Library Has New Look
The reception area of the Law Library underwent a facelift and unveiled its new look in March. A new circulation desk and new carpeting highlight the changes. Class photos have been reframed and are once again on display in the circulation area.
UNM Law Graduates Awarded Prestigious Fellowships

Jenny Landau ('06) and Tiffany Mercado ('07) have been awarded prestigious Equal Justice Works (EJW) fellowships, which are presented every year to about 50 new lawyers nationwide as they begin their careers in public interest law.

The UNM law school graduates were chosen for the EJW Class of 2007 from 275 applicants. The fellowships help fund their salaries for two years.

In association with the Diocesan Migrant and Refugee Services (DMRS) in El Paso, the largest provider of free and low-cost immigration-related services in West Texas, Landau will work to provide legal representation to immigrant detainees at the Regional Correctional Center (RCC) in downtown Albuquerque, with a special focus on refugees and victims of crime, torture, domestic violence and trafficking.

The RCC, a satellite detention holding facility, was created in response to an exponential increase in immigrant detentions along the U.S.-Mexico border and the subsequent overcrowding at the central detention facility in El Paso. In just a year, the population at the RCC has grown from 80 to more than 600 immigrants. As it became known that no organization exists in New Mexico to provide representation or advocacy on behalf of this rapidly growing immigrant population, the New Mexico legal community began looking at ways to fill the gap. Landau’s proposal was among the responses.

“I am thrilled that this project has been funded by EJW, as it is extremely difficult to secure funding for public interest work in New Mexico,” she says. “When it comes to unpopular causes, such as deportation defense for immigrants, this difficulty is exacerbated even further.”

Landau also will work to establish a network of pro bono attorneys to provide legal representation for immigrants and help those who have been separated from prior counsel to continue their representation. She anticipates opportunities for UNM law students to assist with intake, know-your-rights presentations, individual cases and advocacy efforts.

“It is my hope that the fellowship’s direct representation and pro bono initiative will alleviate the tremendous need for deportation defense at RCC,” she says, “and that networks will be formalized between advocates in El Paso and Albuquerque.” She also looks forward to developing a strategic working relationship with the U.S. Immigration and Customs Enforcement officials in the region.

Mercado will be working through the New Mexico Center on Law and Poverty to reform New Mexico’s Worker’s Compensation Act to include coverage for all farm and ranch workers.

“By hiring migrant workers, farmers are saying they are legal to work in the United States,” she says. “If these workers are injured on a U.S. farm, they should receive worker’s compensation benefits, whether they are U.S. citizens or non-citizens.”

Mercado knows about the dangers of farm work; as a child, she spent lots of time on her grandfather’s farm in Minnesota. “Most of my family members suffered injuries at one time or another,” she says. “It’s very dangerous work.”

She anticipates spending the first year of the fellowship doing research and then exploring the possibility of filing a lawsuit based on a plaintiff’s claim that the New Mexico law violates equal protection.

Mercado began working for the New Mexico Center on Law and Poverty a year ago, when she was selected for the center’s Seth Montgomery Fellowship in Public Interest Law. She continued to work at the center throughout her final year of law school.

Equal Justice Works is the national leader in creating public interest opportunities for new law school graduates.

Around the Law School

Craig O’Hare, with the state Energy, Minerals and Natural Resources Department, makes a point during a panel discussion of proposed climate change legislation prior to the 2007 Legislature. Other panelists were (l-r): State Sen. Sue Wilson Befort, State Sen. Cisco McSorley ('79), State Rep. Antonio “Moe” Maestas ('98) and Ben Luce, director of the New Mexico Coalition for Clean Affordable Energy and a member of Gov. Bill Richardson’s Climate Change Advisory Group. The Environmental Law Society and Sierra Club sponsored the public event.

Todd Larson, senior counselor for the New York Coordination Office of the World Intellectual Property Organization (WIPO), presented an introduction to WIPO during a lunchtime talk. WIPO is a United Nations agency charged with promoting the protection of intellectual property through the world. His law-school visit was sponsored by Intellectual Property Matters and the International Law Students Association.

Frank Pommersheim, a professor at the University of South Dakota School of Law, presented a talk entitled, “Tribal Court Jurisprudence: How Tribes Look at Disputes Between Tribes and Their Members” in March. His visit was sponsored by the Tribal Law Journal.

William H. Taft, IV, presented a public lecture on the war on terror and U.S. foreign policy. He explored legal issues raised by the “war”, both domestically and internationally. Taft served as legal adviser to the U.S. Department of State from 2001-2005. The April lecture was sponsored by the law school’s ACLU-NM chapter, the International Law Students Association, the Federalist Society and the Guadalupe Institute. It was organized by UNM Law Professors Norman Bay and Elizabeth Rapaport.
When Judy Calman began her legal education last fall, she discovered there were 25 student organizations, each designed to enhance her law-school experience in its own unique way. From the Federalist Society to the Christian Legal Society to the Student Animal Legal Defense Fund, there is something for everyone to feel connected.

Calman joined the Environmental Law Society, to keep current on important issues and for the networking it would provide in the field of law she expects to go into. She also joined the Women’s Law Caucus because she is interested in women’s issues.

She noticed a group for Black, Hispanic, Native American and even Italian law students, but nothing for Jewish students. So, she and Justin Behar, another IL, established the Jewish Law Students Association and they serve as co-chairs. Like some of the other ethnic-oriented student organizations, a number of members are not Jewish, but through their membership they are learning more about the Jewish culture.

Throughout the school year, these student organizations sponsor a variety of events, such as an annual résumé party (Older and/or Wiser Law Students), a mixer for minority high school and college students interested in a legal career (Mexican American Law Student Association), social networking events, inviting speakers in for panel discussions and debates and fundraising for student fellowships and community groups.

Through the organizations, students develop friendships and support networks with others who share their interests. That was especially true for John Sugg, interim president of the Federalist Society.

"I gained a sense of belonging through the Federalist Society," he says. "There is a fear among many conservative and libertarian students that we will be ostracized by the legal community because of our beliefs. The Federalist Society gave me the opportunity to talk to conservative lawyers who were able to dispel those rumors."

Only one group can claim every law student as a member: the Student Bar Association, which is listed as a co-sponsor of many events, along with sponsoring a number of its own events.

"We encourage collaboration of all student organizations and the SBA serves as the ‘point man’ for everyone," says SBA President Ed Perea.

Most of the organizations require nominal dues and are given their own display case in the Forum or along a law-school hallway.

"On some level, I think every student here is interested in providing some public service," he says. "My goal is to promote the good work that the students in these organizations do."


Students from Albuquerque High School were among the attendees at this year’s Minority Mentor Mixer, where they learned what it takes to become a law student. The Mexican American Law Student Association sponsors the annual event. At a separate event, MALSA honored Daniel Lopez, president of New Mexico Tech, with its Fighting for Justice Award. Lorenzo Garcia, chief U.S. magistrate judge, was the keynote speaker at the April banquet.

Renee Diamond (05), an associate with Martinez & Hart, visits with Erin Ferreira, a 3L, during a social-hour mixer with local lawyers. The mixer was sponsored by the Business Law Society, Intellectual Property Matters, Older and/or Wiser Law Students, Phi Delta Phi and the Tax Law Club.
Students Follow Path from Law Enforcement to Law School

Larry Horan and Ed Perea barely crossed paths at the Albuquerque Police Department before they found themselves classmates at the University of New Mexico School of Law. They were both career law enforcement officers before they decided to explore another side of the law, with different goals in mind.

When he was 20, Perea followed his father into the police department, but he never lost an early interest in the legal profession. For the next 23 years, he held a variety of positions in the department, including teaching in the police academy, running the gang unit, commanding the Internal Affairs Section and serving in field operations as a watch commander.

By the time he qualified for retirement from APD, he had begun reassessing his career, figuring he was ready for a new adventure. Perea had earned a bachelor's degree at UNM, taking classes when he could fit them in, and he was pursuing a master's degree in public administration when he shifted his life-long commitment to community service to law school.

“[I] was still excited and energized to work with the community and I thought law school would add a new dimension of service,” he says. “When I finish law school, I’d like to continue representing people who don’t have a voice, or perhaps serve as an advocate promoting superior public safety.”

At law school, Perea discovered the study of law was entirely different than the just-the-facts world of law enforcement.

“It’s been an exciting but challenging opportunity,” he says. “I’ve had to rewire my brain to think about things less chronologically and more analytically.”

After noticing that he was the only student taking notes on a yellow notepad, he realized he had to embrace the computer age. He invested in a laptop, which has been his “best friend” ever since.

In the evening, he now studies alongside his daughter, Madison, a sixth-grader.

Horan comes from a family of lawyers, including his father, Tom Horan (’75), and always figured he would go to law school. But once he earned his bachelor’s degree at UNM, he was ready for a break from school. After riding along with on-duty police officers a few times, he was hooked.

Like Perea, Horan held a number of positions – violent crimes detective, managing the pedophile unit, and he organized the department’s sex offender regulations unit. He enjoyed the variety and ability to change jobs within the department, enabling him to keep his job fresh.

But he always harbored a desire to work with his father, who is one of the state’s most prominent lobbyists. Knowing that his father isn’t getting any younger, Larry approached him with this desire. Tom’s response: “Go to law school; it will provide you with a great background.”

Two weeks later, Larry had signed up for the LSAT.

Before he started law school in 2005, the City of Albuquerque sent Horan to assist his father at the Legislature, and next January, he will help out again, beginning his own apprenticeship.

“What I like about lobbying is that it is problem-solving and creative,” he says. Horan also figures he will like learning from his dad.

Co-Director of Guanajuato Program Exhibits Photographs

Professor Pedro Vasquez Nieto is no stranger to the UNM School of Law. Along with Professor Bill MacPherson, he worked to establish the Guanajuato Summer Law Institute 17 years ago. Vasquez Nieto was dean of the law school at the Universidad de Guanajuato and he continues to be co-director of the summer program.

He also works as a notary public, a poet, hotelier, thespian and photographer. He has visited the law school many times, but last April was the first time he brought along a selection of digital photographs he shot around the colonial city of Guanajuato. The photos were printed on highly textured handmade paper made by indigenous Mexicans from the “mora” tree and hung in the Forum throughout the month.

The UNM exhibit is the first time Vasquez Nieto has exhibited in the United States. From Albuquerque, his show traveled to Austin, Dallas and then Ashland, OR.

“It was a wonderful opportunity for me to exhibit my work in Albuquerque, where I have friends,” he says. “Some people know about Guanajuato, but maybe others will now want to go there.”
Moving On

Lorraine Lester Retires After 32 Years

When Lorraine Lester joined the faculty of the UNM Law Library in charge of Tech Services in 1974, Myron Fink was in charge and Fred Hart was law-school dean. Typewriters were still common at the reference desk and the collection was available only in bound volumes.

During the ensuing 32 years, she likes to say she has “done it all,” at the Law Library. She has worked under five library directors, for whom she has served as deputy director, acting director, decided what serials and books to buy as the collection development librarian and provided reference and faculty research support. At the end of June, she will have done it all; she is retiring.

“When I came here I was most impressed by the intensity of the law students,” she says. “They were seriously involved with what they were studying, which was so different from undergraduate students.”

Lester began her library career in 1964 after earning a bachelor’s degree in psychology from the Women’s College of the University of North Carolina in Greensboro. Her husband worked in the UNC language lab in Chapel Hill, where jobs were hard to come by. So she took what she could find; for $2,300 a year, she was hired to type catalogue cards at Wilson Library, the university’s main library. She moved up to serials checkin, then became head of bindery. By the time she left, after four years, her salary was $4,500.

It didn’t take her long to notice that the majority of support staff was working on masters degrees in library science by commuting two floors above where the UNC Library School was located. She naturally joined the trend and for the next few years was both a graduate student and full-time employee at UNC.

In 1968, she accompanied her second husband to the University of Idaho. Now carrying a master’s of science in library science, she was hired as the serials librarian at the university’s main library. Lester stayed in this job until moving to Albuquerque in 1974. In the meantime, she gave birth to her two sons. She had a daughter after moving to Albuquerque.

At UNM, she was awarded law library tenure in 1980, and has served on numerous UNM committees and been active in various library associations. After the Katrina hurricane, she spent a week helping rebuild Longue Vue House and Gardens, an historic New Orleans landmark, and picking citrus for a local organic grower who couldn’t find workers.

A former marathon runner, she volunteers at the Albuquerque Biological Park, where she chaperones “Overnights” at the Albuquerque Aquarium and is a member of the Zoo to U team. At the Rio Grande Zoo, you just might see her escorting Homer the porcupine around the zoo grounds on a leash, or perhaps in another part of town, playing a banjo with a bluegrass group, her newest interest.

Julia Heller Retires After 23 Years

It’s a good bet Julia Heller knows more about rules adopted by the state Public Regulatory Commission than anyone else in New Mexico. That would only make sense, given that she has written many of them in the past 18 years.

Among her many accomplishments as senior attorney with the Institute of Public Law, Heller compiled statutes for the state Supreme Court Advisory Committee, helped format, recompile and rewrite 80 insurance rules and 14 title insurance rules, rewrote the Motor Vehicle Carrier Act twice, created a comprehensive set of motor carrier rules and helped revise the state Motor Vehicle Code.

After 23 years at IPL, she retired last April with plans to use the other part of her brain.

A confessed eccentric, before graduating from the UNM School of Law in 1982, Heller had spent nearly 16 months traveling through Europe, worked for the IRS and owned a bead and craft supply store in Santa Fe for seven years. But she had never forgotten a college course on civil rights, which had inspired her to seek a legal education. She enjoyed the challenges of law school, but didn’t like criminal law or going to court during her clinical rotation. As soon as she graduated, Heller enrolled in a ceramics course.

“When everybody else in my class took the bar exam, I took ceramics,” she says. For the next 18 months, she followed her creative muse and learned how to hand build colored porcelain pottery using a traditional Japanese technique. She mixed that in with art history classes until Paul Nathanson, newly appointed as IPL director, offered her a job.

For the next seven years, Heller worked part time at IPL and every semester she enrolled in one art studio class and one art history class at UNM. By 1989, she had earned a BFA in art education. She continued to work three days at IPL and spent the rest of the week studying and making ceramics. That went on for 15 years, until she was informed that if she didn’t become a licensed lawyer, she would be demoted to a law clerk at IPL. She studied for the bar exam and passed it.

After that, in 1996, she went full time at IPL, which forced her to take a hiatus from her ceramic work. As much as she missed her ceramics work, she valued her time at IPL.

“I enjoyed the flexible hours and the combination of working independently and with colleagues,” she says. “I learned all sorts of stuff about pipelines, insurance and trucks.”

In addition to resuming her ceramics passion at her home studio, she plans to travel, read, work out and go for long walks.
Sanford Gaines Named Utton Center Director

Sanford Gaines will bring a broad knowledge of national and international natural resources law when he takes over as director of the Utton Transboundary Resources Center on July 1. His career also is marked by building understanding and consensus among diverse groups on environmental issues.

Gaines is a 1974 graduate of Harvard Law School. He has been a member of the University of Houston Law Center’s faculty for the past 21 years, and currently is Law Foundation Professor of Law. From 1992-1994, he served as the deputy assistant U.S. trade representative for environment and natural resources for President Bill Clinton. In that capacity, he was involved in the negotiation of the North American Free Trade Agreement and its environmental side agreements as well as the agreements creating the World Trade Organization.

2008 Celebration Will Highlight Winters Decision

The Utton Transboundary Resources Center and American Indian Law Center are coming together to present a centennial celebration of a 1908 U.S. Supreme Court decision that established the doctrine of federal reserved water rights, in particular, Indian reserved water rights.

The 2008 celebration will feature a video presentation and historical re-enactments of the Winters v. United States case in which the United States Supreme Court held that upstream water users did not have a right to divert water that was reserved for the Gros Ventre and Assiniboine people living in the Fort Belknap Reservation. The Winters doctrine was later expanded to reach other federal lands.

Discussions will focus on how the landmark decision has impacted tribal and federal lands and take a look at the future of federal reserved water rights under the doctrine. A major goal of the gathering will be to bring together reserved rights claimants and policymakers to build a common understanding of the nature and need for these rights.

Iris Augusten Receives Mineral Law Foundation Scholarship

Not long after moving to Taos in 2001, Iris Augusten was struck by how New Mexico’s population could keep climbing despite a limited supply of water resources. As a volunteer for the Western Environmental Law Center she learned more about the challenges of managing natural resources, an issue she knows close up.

Augusten grew up in a small logging town in western Maine. Her family’s home had no electricity, plumbing or driveway, and every morning, she either walked or snow-shoed the half-mile to the school bus stop.

At the UNM School of Law, she has focused on natural resources law and serves as student editor-in-chief of the Natural Resources Journal. For her commitment to resources management, she received a one-semester scholarship from the Rocky Mountain Mineral Law Foundation.

“I am fascinated by water law, particularly its historical backdrop,” she says. “New Mexico faces many complex challenges in this area, not only internally, but also with respect to delivery requirements under compacts, treaties and ESA-based court opinions.”

The UNM School of Law is a member of the Denver-based...
Kristin Casper Advocates for Renewable Energy

Global warming is high on Kristin Casper’s radar. In fact, she has made it her priority for years now, and has continued to bring attention to the issue during her first year at the UNM School of Law.

As an intern with Environmental Defense, a national environmental advocacy organization, she worked with a grassroots coalition to support clean renewable energy bills in the New Mexico Legislature. She is proud that the coalition was able to get 13 bills passed, including one that requires investor-owned utilities to provide 20 percent of their power from renewable energy sources by 2020.

Casper spent even more of her time working to successfully defeat a bill to give an $85 million tax credit to Desert Rock, a proposed coal-fired power plant that would be built on the Navajo Nation near Farmington. On this issue, she wrote fact sheets, made phone calls, encouraged supporters to write letters to the editor and generated activity on blogs.

The high point of this effort came after the session ended when she helped organize a Difficult Dialogue at the law school, where representatives from both sides of the issue squared off. The event was sponsored by the Native American Law Students Association, the Business Law Society and the Environmental Law Society, of which Casper is secretary and soon-to-be vice president.

“It was important to educate the law-school community on this issue,” she says. “Climate change is so important that we can’t wait until we get out of law school to start it. We have to do it now.”

She also serves on the UNM Provost’s Committee on Sustainability, which released a draft policy for the entire campus in late April.

Casper has been an environmental activist as long as she can remember. At Lewis & Clark College, she was co-founder of the college’s most active student organization, SEED (Students Engaged in Eco-Defense) and worked as a renewable energy advocate for the Greenhouse Network, which was started by Eban Goodstein, a Lewis & Clark economics professor.

After earning a degree in environmental studies, she worked for Greenpeace in California, pounding the streets from San Diego to San Francisco, campaigning for the development of strong renewable energy goals. She even took her campaign to Mexico and as far away as Australia. A highlight came in 2002 when she was chosen to represent the youth of the United States at the United Nations World Summit on Sustainable Development.

The more she went up against large corporations in her advocacy work, the more she knew she needed more skills, which is what brought her to the UNM School of Law.

“An legal education will help in so many facets of my life and I know these skills will help me become an even better advocate,” she says.

This summer, Casper will continue her renewable energy advocacy work as an intern with Western Resource Advocates. She looks forward to learning more about utility and energy law, splitting her time between the nonprofit’s offices in Boulder and Santa Fe.

Convinced that climate change is the most important and challenging issue facing the world, she believes that being a part of a global shift away from fossil fuels is the best way to focus her own unlimited energy.

“Every morning I wake up feeling motivated, so I must be doing something right,” she says.

Panelists at Difficult Dialogue on Desert Rock included from l-r: Elouise Brown, president of Dooda Desert Rock; Ben Luce, director of the New Mexico Coalition for Clean Affordable Energy; Patrick Redmond, treasurer of the Environmental Law Society; Steven Begay, general manager of Diné Power Authority.
Ted Parnall Examines Legal Education in Afghanistan

For his latest international consulting assignment, Professor Emeritus Ted Parnall was supplied with a bulletproof vest. He is pleased to report that its efficacy was never tested.

His mission was to look for ways the United States Agency for International Development (USAID) could support progressive legal education in Afghanistan. USAID is a federal agency that provides development assistance to countries around the world. During three weeks last winter, Parnall crisscrossed Afghanistan in a small plane, visiting deans and members of law faculties in Kabul, Jalalabad, Mazar-i-Sharif and Herat. He wore the vest on all of his flights.

In Afghanistan, a crossroads between East and West, legal education embraces two very different systems. At each university, a law and political science faculty provides basic legal education based on Afghan statutes, codes and jurisprudence, while a separate Islamic law (Sharia) faculty emphasizes the doctrines of Islamic law. Considering that the recently adopted Afghanistan Constitution provides that Afghan Law is based on the tenets of Islam and the country’s judges come from both faculties, students need to understand both legal structures in order to practice effectively in the country’s legal arena.

Parnall was accompanied by two representatives of Checchi & Company Consulting, Inc., a Washington, D.C. company engaged by USAID to oversee the agency’s Afghanistan Rule of Law Project, whose goals are to help rebuild the country’s justice system. Checchi hired Parnall to work on the legal education portion of the project.

With every Law and Sharia faculty he visited, Parnall discussed how USAID’s project could help improve the competence and knowledge of the country’s legal professionals and how a common understanding of Afghan law could be supported. Suggestions included shared classes, jointly developed teaching materials and joint moot court programs that would bring together the two approaches to legal education.

“I was encouraged by how open both faculties were to working with U.S. legal educators to improve the rule of law in Afghanistan,” he says. “I’ve never seen a more difficult environment for legal education specifically, or for the legal profession generally, largely because of the security situation in Afghanistan. Despite the obstacles, many people are trying to improve legal education, in the midst of constant threats to the country’s legal, social and political order.”

WLC Honors Anne Bingaman

The Women’s Law Caucus honored Anne Bingaman, the first female law professor at the UNM School of Law, with the Justice Mary Walters Award. Due to health reasons, she could not attend the April ceremony and Lt. Gov. Diane Denish accepted the award in Bingaman’s honor. Pictured are the WLC Executive Board, l-r, Heather Massoth, Amy Williams, Juliana Koob, Lt. Gov. Denish, Monnica Garcia, Amara Bustos and Christina Gooch.
Faculty News

In Print


On The Go


Barbara Bergman presented a talk entitled, "Creative Uses of the Rules of Evidence," to the Texas Criminal Defense Lawyers Association. She also presented a daylong seminar lecture on evidence and criminal defense at the University of Minnesota.

Sherri Burr moderated a panel as part of "Miranda at 40: Applications in a Post-Enron, Post-9/11 World," a conference at Chapman University. She returned to Chapman to present a lecture titled, "The Globalization of the Entertainment Industry."

Eileen Gauna presented a lecture entitled, "El Día de los Muertos: The Death and Rebirth of the Environmental Movement," as part of Georgia University State College of Law's Global Growth Management Lecture Series.

Antoinette Sedillo Lopez was a panelist at the Seventh Annual Leon Jaworski Public Program, an annual event sponsored by the American Bar Association's Division for Public Education. This year's topic was, Perspectives on Childhood and the Law. The Law Day (May 1) program took place at the Library of Congress.

Alfred Mathewson and Sherri Burr participated in the University of Missouri-Kansas City School of Law's inaugural Sports Law Symposium, which examined critical issues in amateur and professional sports. Mathewson was a member of a panel entitled, "What Role Should Congress Play in Curbing the Escalating Economics of Intercollegiate Athletics?" Burr was on a panel entitled, "Beyond the Field: Roles, Rights and Responsibilities." Mathewson also presented a talk entitled, "Dr. Lawrence A. Nixon and the White Primaries: A Vision of Democracy," at the University of Texas in El Paso as part of the Department of African American Studies Black History Month events.

Margaret Montoya was a guest speaker at Harvard Law School Women's Law Association Alumnae Conference in February. Montoya, the first Hispanic female to attend Harvard Law School, graduated in 1978. At the conference, she participated in a panel titled, "Rewriting the Rules."

Montoya also was a panelist at a conference titled, "Legally Female: What Does It Mean To Be "Ms. JD??" The March conference was a collaboration between Yale Law Women and the national blog, Ms. JD, that explored the status of women in the legal profession. The panel she participated in looked at the unique challenges faced by women of color in the legal profession. The conference was held at Yale Law School.

Elizabeth Rapaport received a joint appointment with the UNM Philosophy Department of the College of Arts and Sciences. This is the fourth joint appointment at the law school.

Michelle Riguad was one of 35 librarians nationwide selected to participate in the American Association of Law Libraries Management and Leadership Institute, which took place last March in Tucson.

Leo Romero was chair of the Nominating Committee for the Law School Admission Council and he served as a consultant to the State of Washington Judicial Selection Task Force. For a Washington University School of Law (St. Louis) symposium on "A Higher Sense of Purpose: Access to Higher Education and the Professions," he gave a presentation and moderated a panel on socioeconomic and racial diversity issues at graduate and undergraduate levels.

Suellyn Scarnecchia spoke at the 30th Anniversary Symposium of the Child Advocacy Law Clinic at the University of Michigan Law School.

Gloria Valencia-Weber has been named chair of the new Committee on Indian Law on State Bar Exams, a national committee under the Federal Bar Association's Indian Law Section.

Honors and Recognition

Sherri Burr won three first-place prizes in the New Mexico Press Women's annual Excellence in Communication Contest for best speech ("The Immortal Hattie McDaniel"), best nonfiction instructional book (The Quick Review of International Law) and best nonfiction book chapter (Screening Justice in "The Accused"). Her memoir about raising her nephew for a year took second place in the Southwest Writers Nonfiction Book Competition.

Antoinette Sedillo Lopez and Margaret Montoya were among 31 UNM faculty members to be nominated for a new Faculty of Color Award, initiated by graduate students of color organizations. Montoya was one of seven who received the award, which recognizes the faculty members' contribution of mentoring, research and teaching.
UNM School of Law Dedicates Seth Commons

Former law clerks joined the family of Judge Oliver Seth in February to dedicate the Oliver Seth Reading Commons at the University of New Mexico School of Law. Seth served on the 10th Circuit Court of Appeals for 33 years in Santa Fe. He died of a heart attack in 1996. The commons is an open area in the law school’s new Frederick M. Hart Wing where students gather to study.

“A number of former clerks and friends made donations to the Hart building campaign in honor of Judge Seth,” says Dean Suellyn Scarnecchia. “We thought it fitting to pay tribute to the judge with the commons area named for him. It was exciting to see so many of his former clerks from across the country attend the dedication.”

Seth grew up in Santa Fe, the son of J.O. Seth, who founded the law firm of Seth & Montgomery, now operating as Montgomery & Andrews. He earned a bachelor’s degree from Stanford University in 1937, followed by an LL.B from Yale Law School in 1940.

Following graduation, he returned home to join his father’s firm, but shortly thereafter, World War II broke out. Seth enlisted in the U.S. Army and participated in the Normandy Invasion and the Battle of the Bulge. From 1940-1945, he rose through the ranks to become a major. He was decorated for valor by both the U.S. and French governments.

At the 10th Circuit, he was named chief judge in 1977 and served in that position until 1984, when he assumed senior status until his death at the age of 80. Through his work on the bench, Seth set numerous precedents, and many U.S. Supreme Court justices looked to his decisions for guidance.

“He had a quiet, wonderful sense of humor,” said Laurel Seth. “Everybody wanted to sit next to him at parties; nobody wanted to miss what he had to say.”

At the UNM School of Law, the Judge Oliver Seth Memorial Scholarship is awarded annually to a student who shows promise in the area of legal ethics and/or mediation. Donations to the scholarship are welcome. If you would like to make a contribution to the Seth Memorial Scholarship, please contact Bill Uher, director of development at the UNM School of Law, at 505-277-1038.

Where There’s a Will, There’s a Way

A way to make a difference in the education of our many students
A way to ensure that UNM trains excellent lawyers
A way to link your name with the UNM School of Law forever

When preparing your will, consider a bequest to the UNM School of Law and create a lasting legacy.

Your gift will also qualify you for membership in the New Horizons Society, which honors people who included UNM in their estate plans.

To receive a brochure on the New Horizons Society, please contact Bill Uher, Director of Development, 277-1038, uher@law.unm.edu.
Scholarship Fund Honors Arturo G. Ortega

From an early age, Arturo G. Ortega embraced challenge. When he arrived at public school in Las Vegas, N.M., speaking only Spanish, he buckled down and learned English. A quick study, he could often be found with his head buried in a book.

Ortega planned to become a doctor, but World War II changed all that. He left an academic scholarship at Regis College to enlist in the U.S. Army Air Corps and became a B-17 pilot. In 1943, his plane was shot down over France and Ortega became a prisoner of war in Germany. He endured but never accepted his fate. Twenty months after his capture, Ortega and another POW, Major Clermont Wheeler, executed their plan to slip away in the dark of night as the prisoners were being marched from one prison to another.

For the next two weeks, they walked at night and hid by day, relying on a compass and rations they had set aside before their escape. They also relied on Ortega’s knowledge of German, Spanish, and French, posing as Spanish farmworkers — then numerous in Germany — to anyone they encountered. Eventually, they ran into a U.S. combat unit, the first free Americans they had seen in nearly two years.

Two months later, he married Eloisa Maes, his Las Vegas sweetheart, and they moved to Washington, D.C., where Ortega resumed his college studies under the G.I. Bill. He earned degrees with honors from the Georgetown University School of Foreign Service and the Georgetown University Law Center. They returned to New Mexico and Ortega set up his Albuquerque law practice, focusing on personal injury claims, employment disputes and commercial disputes.

For the next 40 years, he enjoyed a successful practice and built a reputation as an exceptional trial lawyer. “Art’s attitude and ethical practices were a model for young lawyers,” says Bill Snead (’61), who was Ortega’s law partner for 25 years. Matias Zamora, another longtime friend and colleague, agreed: “Arturo was very professional and always conducted himself with pronounced dignity.”

He was at the forefront of many legal developments in the state, including several cases that helped to define the State of New Mexico’s liability under the Tort Claims Act. He also was involved in many professional and community organizations and served on several university boards of regents, including six years at the University of New Mexico. In 1991, Ortega suffered a disabling stroke; he died in 1999.

In 2005, Ortega’s seven children, including two UNM School of Law alums, established the Arturo G. Ortega Memorial Scholarship Fund to honor their father’s achievements, his legal acumen and his pride in his heritage.

Through their annual donations, they are working toward endowing the fund, with a goal of $50,000. Once endowed, the fund will provide an annual scholarship to a UNM law student who demonstrates academic achievement and a financial need for scholarship assistance. Most importantly, the student must demonstrate fluency in spoken and written Spanish, along with a commitment to serve the legal needs of the Spanish-speaking community.

“When my father started practicing law, there were very few Hispanic attorneys,” says Cristina (’78). “Spanish was the first language of New Mexico Hispanic attorneys of his generation, so as a group they had linguistic skills and cultural sensitivity that enhanced their ability to represent this state’s Hispanic population.”

“That is why we wanted to encourage academically talented bilingual law students to follow in our father’s footsteps with regard to helping to meet the legal needs of the Spanish-speaking population,” says Roberto (’87), president of the UNM Alumni Association. “Only now it is largely the immigrant population that desperately needs bilingual attorneys. I note the scarcity of good bilingual attorneys practically every day in my work as a federal prosecutor.”

Another son, Daniel, serves as director of international law programs at the UNM School of Law and was recently named president of the board of directors of the National Hispanic Cultural Center. A grandson, David (’00) also graduated from the UNM School of Law.

The family welcomes donations to the Arturo G. Ortega Memorial Scholarship Fund. For more information on donating, contact Bill Uher, director of development and alumni affairs at the UNM School of Law; 277.1038 or uher@law.unm.edu.
For the past 28 years, Bob Rosebrough has embraced the wonders and warts of Gallup, the town in which he chose to set up a law practice after completing a clerkship with New Mexico Appeals Court Chief Judge Joe Wood.

Rosebrough had grown up in Farmington, the son of Haskell Rosebrough, a member of the UNM School of Law’s second graduating class in 1951. His admiration of his father led him to law school. He also followed his dad’s advice to go to law school in the state he wanted to set up practice. But, rather than follow in his father’s Farmington footsteps, Rosebrough set up a general civil practice down the road in Gallup, initially with Tim Vidal and Jay Mason, both members of the Class of 1975. Rosebrough graduated in 1978.

Through the years, his law partners have changed and so has his practice; these days, he focuses mostly on estate and probate work, along with business law and real estate. He also offers mediation services.

Rosebrough chose Gallup for its size and racial diversity and continues to be glad he did so.

“I instantly became part of the fabric of the community and I like having an office one-and-one-half blocks from the courthouse, a block from the title company and all banks within three blocks,” he says. “As a transactional lawyer, I can get things done more efficiently than in a larger city.”

For years, he contemplated running for public office and in 2003 he finally made the leap, successfully running for mayor of Gallup. His term ended earlier this year. He enjoyed the experience so much that he is now considering running for U.S. Senate after his youngest daughter, Amy, graduates from high school.

He points to a four-page brochure that documents the accomplishments of his administration, which he claims are 12 years of achievements crammed into four years. Highlights include increases in annual sales tax revenue and salaries of city employees, affordable housing and the new Courthouse Square. Rosebrough is especially proud of a number of quality of life improvements, including a new aquatics center, renovation of the 1928 El Morro Theatre and completion of a 24-mile trail network.

“It was rewarding to wake up every morning with a heartfelt idea and over the course of the day have the ability to make it come to life,” he says. “And I made lifetime friendships with people who I otherwise never would have met.”

From a young age, Rosebrough has loved sports. Standing 6-feet 7-inches tall, it’s no surprise that he excelled at basketball; as a member of the Maloofmen in the 1970s, he won six consecutive state AAU basketball championships and played on teams that won 11 Gallup city league championships.

These days, he drives around with his mountain bike in the back of his pickup truck, ready to take advantage of a spare moment and an alluring trail. He has cycled throughout the Four Corners region, backpacked hundreds of miles and scaled about 200 peaks. In 1986, he turned that passion into a book, *The San Juan Mountains: A Climbing and Hiking Guide.*

“No mountaineering guide existed for the San Juan Mountains and I wanted to be the person to write it,” he says.

Since then, Rosebrough has co-authored *The Gallup Guide: Outdoor Routes in Red Rock Country* and a number of magazine articles. For a select audience, he wrote and self-published *The Talus Slope: A Midlife Journey.* When he finds time, his next book will be about Gallup’s ongoing battle for its soul.

“Gallup has always been a place of struggle, where there is an inordinate level of good and an inordinate level of bad,” he says. “There are frequent conflicts between people and people also have struggles within themselves.”

Rosebrough even found himself a character in Tony Hillerman’s book, * Fallen Man.* In the 1997 novel, Rosebrough is a Gallup lawyer who climbs down a helicopter ladder to the summit of Shiprock to help Joe Leaphorn retrieve a climbing register that helps solve the mystery. Hillerman relied on Rosebrough’s rock-climbing knowledge for the book.

With a long list of volunteer activities, including coaching youth soccer and working for *pro se* legal clinics, Rosebrough views giving back as only natural for anyone wanting to improve their community. His wife, Brenda, is a speech therapist for the Gallup-McKinley County Schools, and in addition to Amy, he has three other children.

“Community service can be frustrating at times, but it’s one of the most gratifying things there is to do, especially when you feel like you’re making a little progress,” he says.
Ella Joan Fenoglio grew up in a family where giving was a given. Her parents volunteered many hours in their Indianapolis community, a tradition that rubbed off on their children, including Ella Joan, better known as E.J.

Shortly after she graduated from the University of New Mexico School of Law in 1980, Fenoglio began her own tradition of giving to the law school. “I was so impressed with what a wonderful law school it was, and right away I began thinking about what I could do to give back.”

Initially, she gave what she could afford: her time. She helped judge moot court and mock trial practice rounds. “Like my parents, I did more as I became better off,” she says. These days, Fenoglio is a member of the Dean’s Circle, whose members donate a minimum of $1,000 annually to the UNM School of Law. She also contributes to the Toby Grossman Scholarship. Grossman (’68) was a friend and fellow children’s advocate before she died of cancer in 2004.

She donates monthly through automatic billing to her credit card, a method she prefers because she doesn’t have to think about it and the amount is small enough that she barely misses it.

“I want to give back to those professors whose important words meant so much to me,” she says. “Since I can’t give back to them directly, I put my donation into a system of generosity; a fabric of support for the New Mexico legal community.”

One of a long line of professors to whom Fenoglio is grateful is Professor Emeritus Robert Desiderio. After she failed the bar exam the first time she took it, Desiderio accompanied her to Santa Fe where he reviewed her score. “You aren’t taking this seriously,” he told her. “Take some time off and look at what you want from the practice of law.”

She did just that, and in the following weeks, Fenoglio renewed her commitment to empower children, which is why she went to law school in the first place. Prior to moving to Albuquerque to attend law school, she had been a social worker in a children’s agency in Dayton, Ohio.

“I care about children being raised well and thought I could be even more effective for them as a lawyer,” she says.

Fenoglio retook the exam and passed it. Desiderio received a warm hug for his support.

Next she turned to Fred Hart, another professor emeritus. He steered her to the U.S. Bankruptcy Court, helping secure her a clerkship, which provided experience he suspected she could turn into a practice. Most importantly, the stability of a bankruptcy practice would enable her to pursue her passion: representing children.

Following the 18-month clerkship, she went into private practice, taking on both bankruptcy clients and children’s court clients. She became guardian ad litem for a number of children and handled adoptions. With Peter Cubra (’81), she started up Advocacy, Inc., designed to improve the legal representation of foster children in Bernalillo County.

“Through the years, my bankruptcy clients have supported my children’s habit,” she says.

Now and then Fenoglio runs into a former client, now a young adult who is making his way through life. To hear that he is thriving is all the reward she needs.
1982
Chris Pierce has joined the Albuquerque law office of Gerald R. Velarde. The firm is now Velarde & Pierce.

1983
Daniel O’Brien has been elected to the American Board of Trial Advocates (ABOTA) and the New Mexico Chapter of the organization. Having completed more than 50 civil jury trials, he was admitted as an Advocate member. O’Brien is a shareholder in the Albuquerque firm of O’Brien & Ulibarri.

Daniel Rakes has been appointed president and general counsel of Angel Fire Resort. Prior to his promotion last year, he had served as general counsel since moving to Angel Fire in 1997. Now he oversees the daily operations of the resort’s three companies: Angel Fire Resort Operations, Angel Fire Real Estate and Angel Fire Timeshares.

1985
Orinda Naranjo has become the first judge of the new 419th State District Court in Austin, Texas. She lives in Spicewood, Texas, but maintains a second home in Chama with her husband.

1987
Roberto Ortega is the outgoing president of the UNM Alumni Association.

1988
Carolyn Abeita has been appointed to the University of New Mexico Board of Regents. A member of Isleta Pueblo, she is a partner in the Albuquerque firm of Van Amberg, Rogers, Yepa & Abeita, where she practices Indian law. She formerly was an associate with the Chestnut Law Offices, an associate court of appeals judge with the Pascua Yaqui Tribe of Arizona and a tribal government specialist with the U.S. Department of Interior. She serves on the Board of Directors of Equal Access to Justice.

Peter Pierotti has been elected vice president of the Albuquerque Bar Association. He is on the staff of the City of Albuquerque’s legal department.

1989
Marty Esquivel has been elected to the Albuquerque Public Schools Board of Education. Last fall, the New Mexico Foundation for Open Government presented him with its William S. Dixon First Amendment Freedom Award. He is a shareholder in the Narvaez Law Firm.

1990
Greg Trapp is executive director of the New Mexico Commission for the Blind.

1992
Lisa Joyner Carrillo has been elected treasurer of the Albuquerque Bar Association. She practices with Dixon, Scholl & Bailey.

W. Ann Maggiore has become a partner in the Albuquerque firm of Butt, Thornton & Baehr. She focuses her practice on medical negligence, government entities and civil rights and general liability litigation.

Leonard Tosie was elected to a seat on the Navajo Nation Council and in January resigned from the New Mexico Senate, where he had served since 1993. He had fought to retain both seats, but the Navajo Supreme Court ruled against him, forcing him to choose one or the other. On the Navajo Nation Council, he represents the Torreon, Pueblo Pintado and Whitehorse chapters.

1995
Erika Anderson serves on the board of directors for the First Judicial District Bar Association.

1996
Twila Larkin has been elected a shareholder in the firm of Sutton, Thayer & Browne. A family law specialist, she practices exclusively in that field.

2000
Carolyn Ramos has become a partner in the Albuquerque firm of Butt, Thornton & Baehr. She focuses her practice on general liability litigation, products liability, medical negligence and trucking and transportation.

2001
Jason Bousliman has been elected secretary of the Albuquerque Bar Association. He focuses on employment and labor law, banking and torts and personal injury in the litigation department of Modrall Sperling.

Brian Colón has been elected chair of the Democratic Party of New Mexico. He is a partner with the Albuquerque firm of Robles, Rael & Anaya.

2003
Valerie Reighard has become an associate in the litigation department of the Rodey Law Firm. She focuses her practice in the areas of professional liability, products liability, personal injury and insurance defense.

2005
Julie Bishop has joined the Albuquerque firm of David G. Crum & Associates. She focuses her practice in the areas of family law, domestic violence, custody, adoption, with special interest in the issues of same sex relationships. Previously, she was a felony assistant district attorney in the Second Judicial District.

2006
Alexander Beattie, II is the managing attorney for the DNA People’s Legal Services Crownpoint Office.

Elizabeth Driggers has become an associate with Miller Stratvert law offices. She focuses her practice on appellate work, arbitration and mediation, business banking and commercial transaction.

Aaron Ezekiel has joined the Albuquerque firm of Popejoy & MacKenzie. He focuses his practice...
on litigation of trust and estate matters. For more than 25 years before attending law school, he worked in film production, public television, higher education and information technology.

William Scott Jaworski has become an associate with Miller Stratvert. He practices in the areas of civil litigation, worker’s compensation and professional liability.

Anita Kelley has become an associate with Miller Stratvert. She practices in the areas of civil litigation and insurance coverage.

Elizabeth Mercer has become an associate with the Innocent law firm in Albuquerque.

Jerome O’Connell has joined the Las Cruces office of Miller Stratvert. He focuses his practice on business banking and commercial transactions, civil litigation, estate planning, wills and trusts, oil, gas, water and natural resources.

Bruce Puma has become an associate with the Albuquerque firm of Wiggins, Williams & Wiggins. He focuses his practice in real estate, finance and corporate law. He is also a CPA.

Emma Whitley has joined the firm of David G. Crum & Associates. She focuses her practice in the areas of family law, including divorce, child custody and support, property division, alimony and division of retirement funds.

Sharon Moore Admitted to Michigan Bar

Perseverance paid off for Sharon Moore, second from left, who became a lawyer in February after passing the Michigan State Bar Exam. Her father, Judge Warren Moore, Jr. of the Wayne County Circuit Court, did the honors of swearing her in after her sister, Sally Moore, a Detroit lawyer, made a motion to admit her sister to the practice of law. Following that rite, Moore’s father and mother, Jeane Moore, right, escorted their daughter to federal court where U.S. District Judge Nancy Edmunds, second from right, swore her in.

A cause for celebration in any case, Moore’s achievement was even more exciting considering it had eluded her since graduating in 1994 from the UNM School of Law.

After law school, she became a consultant for ProLaw, a legal software division of Thomson-West. In that job, she met Jack Olender of Jack H. Olender & Associates, a Washington, D.C. malpractice firm. In 2000, she joined his firm as office administrator/IT manager and continued to take the bar exam every few years or so, always unsuccessfully. Until last summer.

She sat for the exam in Michigan for its reciprocity with Washington, D.C. Once she is licensed in Washington, she plans to stay with Olender and work as a plaintiff’s lawyer on medical malpractice cases. But Moore knows that one day she might want to return to her home state of Michigan to be closer to her family. “I liked the two-for-one deal,” she says.

To finally pass the bar exam was exhilarating. “It was worth the many times I took it and now I look forward to my career as a lawyer,” says Moore.

In Memoriam

Norman Bloom

Norman Bloom, a longtime Alamogordo lawyer, died in January after a brief illness. He was 78.

Bloom spent most of his professional life in practice with the late George Fettering ('58), during which he represented individuals and business and government entities. He retired from the practice of law in 2004, after nearly 40 years.

Bloom helped organize the original Crimestoppers program in Alamogordo and was the driving force behind the planning, fundraising and construction of La Placita Children’s Home.

A native of Albuquerque, he earned his undergraduate degree in economics at the University of Colorado in 1952. He served in the U.S. military in the Korean War. When he returned to New Mexico, he worked as a potash miner in Carlsbad where he became a leader in union activities. At the encouragement of members of the Eddy County Bar, he enrolled in the UNM School of Law, graduating in 1966. Following graduation, he moved to Alamogordo and was appointed the first District Attorney when Otero and Lincoln counties became the 12th Judicial District in 1971.

He was a life member of the VFW and American Legion, a longtime member of Kiwanis and Sertoma. In 1978, Sertoma presented him with its Service to Mankind Award at the local, district and regional levels.

Debra Martinez

Debra Martinez, a popular mariachi singer in the 1970s and 1980s, died in late April after a four-year bout with cancer. She was 48.

Martinez grew up in a musical family in Albuquerque and first displayed a gift for singing when she was about 3 years old. At a family gathering, she stood up and belted out “Los Laureles”, impressing everyone there. Eight years later she recorded “Una Pobre Tambien.” As “La Chicanita”, her fame just kept growing. She toured throughout the Southwest and appeared on the “Val de la O Show”.

Sadly, when Martinez was in her 20s, a genetic defect caused her to lose her hearing, bringing an end to her singing career. She returned to school, earning a B.A. from the University of Denver and a J.D. from the UNM School of Law in 1988. She practiced family law in Albuquerque and continued to support mariachi musicians, in particular, the group Mariachi Tepeyac, with whom her daughter, Sheila, now plays violin.
LET’S HEAR FROM YOU!

We want to know what you’re doing, whether you’ve made a career change, received an award or added a new member to your family.

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