



# NEW MEXICO LAW REVIEW

---

Volume 42  
Issue 2 *Summer*

---

Summer 2012

## Front Matter

New Mexico Law Review

### Recommended Citation

New Mexico Law Review, *Front Matter*, 42 N.M. L. Rev. i (2012).

Available at: <https://digitalrepository.unm.edu/nmlr/vol42/iss2/12>

This Front Matter is brought to you for free and open access by The University of New Mexico School of Law. For more information, please visit the *New Mexico Law Review* website: [www.lawschool.unm.edu/nmlr](http://www.lawschool.unm.edu/nmlr)

THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW  
Albuquerque, New Mexico

REGENTS OF THE UNIVERSITY

THE HONORABLE SUSANA MARTINEZ, Governor of New Mexico, *ex officio*

JACK L. FORTNER, *President*

DON L. CHALMERS, *Vice President*

CAROLYN J. ABEITA, *Secretary/Treasurer*

J.E. (GENE) GALLEGOS

JAMES H. KOCH

LT. GENERAL BRADLEY C. HOSMER

JACOB P. WELLMAN

DAVID JAMES SCHMIDLY, PRESIDENT OF THE UNIVERSITY

SCHOOL OF LAW

KEVIN K. WASHBURN, Dean

BARBARA E. BERGMAN, Associate Dean for Academic Affairs, Professor of Law

APRIL LAND, Associate Dean for Clinical Affairs, Professor of Law

CAROL A. PARKER, Associate Dean for Finance and Administration, Professor of Law

MEGAN DUNNING ARGO, Legal Analysis & Communication, Lecturer III  
MARSHA BAUM, Professor of Law  
NORMAN BAY, Professor of Law  
REED D. BENSON, Professor of Law; Faculty Advisor, *Natural Resources Journal*  
PAUL BIDERMAN, Director, Institute of Public Law  
BARBARA BLUMENFELD, Director, Legal Research & Writing; Lecturer III  
SHERRI L. BURR, Professor of Law  
CAMILLE CAREY, Assistant Professor of Law  
EILEEN COHEN, Associate Librarian, Professor of Law Librarianship  
BARBARA CREEL, Associate Professor of Law  
JAMES W. ELLIS, Professor of Law  
DENISE FORT, Professor of Law  
CHRISTIAN G. FRITZ, Professor of Law  
EILEEN GAUNA, Professor of Law  
ERIK F. GERDING, Assistant Professor of Law  
LAURA E. GÓMEZ, Professor of Law  
MARQUITA HARNETT, Business Operations Librarian  
STEVEN K. HOMER, Legal Research & Writing, Lecturer III  
SCOTT HUGHES, Professor of Law  
JOHN P. LAVELLE, Professor of Law; Director, Indian Law Program  
ERNESTO A. LONGA, Associate Professor of Law Librarianship  
ANTOINETTE SEDILLO LOPEZ, Professor of Law  
NATHALIE MARTIN, Professor of Law  
JOSE L. MARTINEZ, Associate Professor of Law  
ALFRED D. MATHEWSON, Professor of Law  
MAX MINZNER, Associate Professor of Law  
MARGARET E. MONTOYA, Professor of Law  
JENNIFER MOORE, Professor of Law  
DANIEL ORTEGA, Research Professor of Law; Director, International Law Programs  
SERGIO PAREJA, Professor of Law  
ELIZABETH RAPAPORT, Professor of Law

ROBERT L. SCHWARTZ, Professor of Law  
DAWINDER S. SIDHU, Assistant Professor of Law  
THERESA STRIKE, Law Librarian, Assistant Professor of Law Librarianship  
CAROL M. SUZUKI, Professor of Law  
SHERRI THOMAS, Law Librarian, Assistant Professor of Law Librarianship  
CHRISTINE ZUNI CRUZ, Professor of Law; Editor-in-Chief, *Tribal Law Journal*

#### EMERITI

MICHAEL B. BROWDE, Professor Emeritus of Law; Faculty Advisor, *New Mexico Law Review*  
ROBERT J. DESIDERIO, Professor Emeritus of Law  
CHARLES T. DUMARS, Professor Emeritus of Law  
WILLIS H. ELLIS, Professor Emeritus of Law  
MYRON FINK, Professor Emeritus of Law  
W. GARRETT FLICKINGER, Professor Emeritus of Law  
RICHARD A. GONZALES, Professor Emeritus of Law  
G. EMLÉN HALL, Professor Emeritus of Law  
FREDERICK M. HART, Professor Emeritus of Law  
MICHELE S.G. HERMANN, Professor Emerita of Law  
RUTH L. KOVNAT, Professor Emerita of Law  
WILLIAM T. MACPHERSON, JR., Professor Emeritus of Law  
PAUL NATHANSON, Research Professor Emeritus of Law  
J. MICHAEL NORWOOD, Professor Emeritus of Law  
MARIO E. (TED) OCCHIALINO, Professor of Law  
THEODORE PARNALL, Professor Emeritus of Law  
LEO M. ROMERO, Professor Emeritus of Law  
GLORIA VALENCIA-WEBER, Professor Emeritus of Law  
PETER A. WINOGRAD, Professor Emeritus of Law  
SHERYL SCHEIBLE WOLF, Professor Emerita of Law

## NEW MEXICO LAW REVIEW

Published Two Times Per Year

By the University of New Mexico School of Law, Albuquerque, New Mexico

**Volume 42**  
**Tomo 42**

**Summer 2012**  
**Verano 2012**

**Number 2**  
**Numero 2**

### *Editors-in-Chief*

Catherine M. Gleeson  
Christopher S. McNair

### *Managing Editors*

David Odegard & Taylor Watrous Lueras

### *Professional Articles Editors*

Karen Kimbro Chase  
Lysette Romero

### *Student Articles Editors*

Brett Eaton  
Amber Fayerberg  
Ethan Thomas

### *Manuscript Editors*

Nicole L. Banks  
Frank T. Davis, Jr.

Jaya M. Rhodes  
Lindsay Ruska

### *Staff Members*

Mark Cox  
Julia Crooks  
Kevin Grzebielski  
Erin K. Joyce  
Quiana Aurelia Salazar-King  
Charles B. Kraft  
Alicia M. LaPado

Sophie S. Martin  
Teresa Ryan  
Michael E. Sievers  
Amanda Thatcher  
Nicholas J. Trost  
Alexandra Wilson  
Jesika Ulibarri

### *Faculty Advisor*

Michael B. Browde

### *Director of Journals and Scholarly Communications*

Elaine McArdle

### *Business Manager*

Marquita Harnett

Member of the *National Conference of Law Reviews*

.....

.....

.....

.....

.....

**NEW MEXICO LAW REVIEW**

Published by the University of New Mexico School of Law, Albuquerque, New Mexico

**Volume 42**  
**Tomo 42**

**Summer 2012**  
**Verano 2012**

**Number 2**  
**Numero 2**

**CONTENTS**

**INTRODUCTION** ..... ix

**PROFESSIONAL ARTICLES**

*Territory of New Mexico vs. Paula Angel: One Woman’s Tragic Journey Through Territorial Justice in 1861*  
*The Honorable M. Christina Armijo* ..... 301

*Iqbal* is Not a Game Changer For Discovery in Civil Rights Cases  
*George Bach and Matthew Garcia*..... 329

Dairy Discharges: How *National Pork Producers Council* Misconstrues the Clean Water Act and Diminishes Protection for New Mexico’s Polluted Tributary Groundwater  
*Christopher Brown*..... 347

A Eulogy For *New Mexico Reports*: The Evolution of Appellate Publication from 1846 to 2012  
*Robert Mead*..... 417

A Well-Tread, Disfavored Shortcut: A History of Summary Judgment in New Mexico  
*Nicholas Sydow* ..... 471

**STUDENT NOTES & COMMENTS**

What’s Right is Wrong and What to Do About It After *Oldham v. Oldham*  
*Mark Cox* ..... 531

*State v. Mendez*: Restoring the Admissibility of Statements Made for the Purposes of Medical Diagnosis or Treatment in the Context of Child Sexual Abuse  
*Charles Kraft* ..... 559

*State v. Ochoa*: The End of Pretextual Stops in New Mexico?  
*Michael Sievers* ..... 595

*Wachocki v. Bernalillo County Sheriff’s Department*: Renewed Challenges to the New Mexico Tort Claims Act Cap  
*Alexandra Wilson* ..... 623

