



# New Mexico Law Review

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## Introduction

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## INTRODUCTION

The articles compiled in this first issue of Volume 34 of the *New Mexico Law Review* are written by professors, practitioners, and students and cover a wide range of topics. Professor David M. English provides an overview of the newly enacted New Mexico Uniform Trust Code, focusing on how its enactments either change or clarify existing New Mexico law. This issue also provides a follow-up article to our recent *Atkins* Symposium issue. Timothy Cone, Assistant Federal Public Defender in the Appellate section of the Federal Public Defender's Office for the Southern District of Florida, argues that imposing statutory minimums under the Federal Sentencing Guidelines would be cruel and unusual punishment when imposed on people with mental retardation, even in non-capital cases. Professor John F. Decker does an analysis of constitutional law and recent United States Supreme Court decisions. Professor Decker proposes the theory that the First Amendment's overbreadth analysis is apparent in other parts of constitutional law through opinions from the high court and advocates the use of the overbreadth doctrine to any threat to a fundamental right by unconstitutional legislation. Brian P. McKeever, law clerk for Judge Jennifer T. Lum of the U.S. Magistrate Court for the Central District of California, provides a workable framework under which courts may apply the "dangerous patient" exception to the psychotherapist-patient privilege in criminal cases. Also in this issue: an analysis of New Mexico law on extraneous prejudicial information through *State v. Mann*, an analysis of New Mexico law on the nature of the fiduciary duties owed among shareholders in a closely held corporation through *Walta v. Gallegos Law Firm, P.C.*, voucher constitutionality after *Zelman* and the likelihood for success of a voucher program in New Mexico, and an analysis of wildlife law and the Tenth Amendment in the Tenth Circuit through *Wyoming v. United States*.

Please enjoy this first issue of Volume 34 of the *New Mexico Law Review*.