New Mexico Law Review

Recommended Citation
Available at: https://digitalrepository.unm.edu/nmlr/vol51/iss2/1

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
THE UNIVERSITY OF NEW MEXICO
Albuquerque, New Mexico

Regents of the University
The Honorable Michelle Lujan Grisham, Governor of New Mexico, Ex Officio
Douglas M. Brown, President
Kimberly Sanchez Rael, Vice President
Sandra K. Begay, Secretary/Treasurer
Robert M. Doughty III
Marron Lee
Robert L. Schwartz
Melissa C. Henry, Student Regent
Garnett S. Stokes, President of the University

School of Law
Sergio Pareja, Dean; Professor of Law
Camille Carey, Vice Dean; Associate Dean for Academic Affairs; Professor of Law
Nathalie Martin, Associate Dean of Faculty Development; Professor of Law
Serge Martinez, Associate Dean of Experiential Learning; Associate Professor of Law
Sherri Thomas, Associate Dean of Institutional Climate & Equity; Professor of Law Librarianship

Maryam Ahranjani, Associate Professor of Law
George Bach, Professor of Law
Reed Benson, Professor of Law
Lysette Romero Cordova, Assistant Professor of Law
Barbara Creel, Professor of Law
Elizabeth Elia, Assistant Professor of Law
Scott England, Principal Lecturer
Paul Figueroa, Assistant Professor of Law
Sonia M. Gipson Rankin, Assistant Professor of Law
Veronica C. Gonzales-Zamora, Assistant Professor of Law
Marc-Tizoc Gonzalez, Professor of Law
Vinay Harpalani, Associate Professor of Law
Steven K. Homer, Associate Professor of Law; Director, Legal Analysis & Communication Program
John Min Kang, Professor of Law
Joshua Kastenberg, Associate Professor of Law
April Land, Professor of Law
John P. LaVelle, Professor of Law
Jennifer Laws, Law Librarian; Senior Lecturer
Ernesto A. Longa, Law Librarian; Professor of Law Librarianship
Jennifer Moore, Professor of Law
Aliza Organick, Professor of Law
Gabriel Pacyniak, Associate Professor of Law
Mary Leto Pareja, Professor of Law
Michelle Rigual, Director, School of Law Library; Professor of Law Librarianship
Joseph Schremmer, Assistant Professor of Law
Alexandra R. Siek, Law Librarian; Senior Lecturer
Laura Spitz, Professor of Law
Sarah Steadman, Associate Professor of Law
David Stout, Senior Lecturer III
Carol M. Suzuki, Professor of Law
Clifford Villa, Associate Professor of Law
Sam Winder, Assistant Professor of Law

Emeriti

Barbara Blumenfeld, Professor Emerita of Law
Michael Browde, Professor Emeritus of Law
Sherri Burr, Professor Emerita of Law
Robert J. Desiderio, Professor Emeritus of Law
James W. Ellis, Professor Emeritus of Law
Denise Fort, Professor Emerita of Law
Christian Fritz, Professor Emeritus of Law
Eileen Gauna, Professor Emerita of Law
Frederick Hart, Professor Emeritus of Law
Scott Hughes, Professor Emeritus of Law
Ruth Kovnat, Professor Emerita of Law
Alfred Mathewson, Professor Emeritus of Law
Margaret Montoya, Professor Emerita of Law
J. Michael Norwood, Professor Emeritus of Law
Mario E. “Ted” Occhialino, Professor Emeritus of Law
Theodore “Ted” Parnall, Professor Emeritus of Law
Elizabeth Rapaport, Professor Emerita of Law
Leo M. Romero, Professor Emeritus of Law
Robert Schwartz, Professor Emeritus of Law
Gloria Valencia-Weber, Professor Emerita of Law
Peter A. Winograd, Professor Emeritus of Law
Christine Zuni Cruz, Professor Emerita of Law
New Mexico Law Review
Published by University of New Mexico School of Law

Volume 51  Summer 2021  Number 2

Editor-in-Chief
Mallory Christensen

Managing Editor
Connor W. Joy

Editors
Jacques Chouinard  Dyea Reynolds
Julia Ashley Cummings  Jena Ritchey
Tony Dalton  Ransom Smith
Royce Deller  Lawson H. Stiff
Jarrod Greth  Lane Towery
David Hughes  Michael Woods
Kori Nau

Student Staff
Lisa Bourgeois  Alyssa Martinez
Samantha Catalano  Raquel Koch Pinto
Elisa Cibils  Natalie Saing
Nicholas Corbitt  Kathryn Sears
Amanda V. Garcia  Annie Swift
Daniel Goldberg  Mackensee “Emy” White
Placido David Gonzales  Clay Wilwol
Alyssa Herrera

Faculty Advisor
Professor Carol M. Suzuki

Adjunct Faculty Advisor
Professor J. Walker Boyd
A Familiar Crossroads: *McGirt v. Oklahoma* and the Future of Federal Indian Law Canon,
Dylan R. Hedden-Nicely & Stacy L. Leeds .................................................. 300

The Case for Outside Reverse Veil Piercing in New Mexico,
Laura Spitz ........................................................................................................ 349

Private Actors, Public Records, and New Mexico’s Inspection of Public Records Act,
John Kreienkamp .............................................................................................. 375

Downtown Condos for the Rich: Not All Bad,
Michael Lewyn .................................................................................................. 400

Rules to Bind You: Problems with the USPTO’s PTAB Rulemaking Procedures,
Andrew Dietrick & Jonathan Stroud ................................................................. 430

Motel Blues: Inspecting *Patel’s* Impact on the Law of Administrative Searches,
Casey Adams .................................................................................................... 457

Evaluating Causation in NMHRA Retaliation Claims After *Nassar*: Why New Mexico Courts Should Adopt a Motivating Factor Causation Standard,
Elisa Cibils ........................................................................................................ 480

Consumer Welfare: Would Competitive Injury Claims under the New Mexico Unfair Practices Act Actually Undermine Consumer Protection?,
Raquel Koch Pinto ............................................................................................ 500

Better Balance: Why the Second Judicial District in New Mexico Should Prioritize Use of Preliminary Hearings,
Kathryn D. Sears .............................................................................................. 524