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Introduction

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INTRODUCTION

Each year, the New Mexico Law Review publishes an issue composed of articles written by Law Review members. In this final issue of Volume 36, the Law Review is pleased to present seven articles covering a variety of issues relating to New Mexico law. These articles demonstrate the New Mexico Law Review's continuing commitment to our community not only by showcasing the talents of future University of New Mexico School of Law graduates but also by focusing on topics that are of particular interest to the New Mexico Bench and Bar.

The third issue of Volume 36 opens with Barry Berenberg’s article, Attorneys for Children in Abuse and Neglect Proceedings: Implications for Professional Ethics and Pending Cases, a Comment that examines a 2005 amendment to the New Mexico Children’s Code and reasons that the amendment will improve the outcome of proceedings involving children fourteen years and older because a youth attorney has the potential to educate a client about the nature of the legal relationship. Kate Girard, in a Comment entitled The Irrational Legacy of Romer v. Evans: A Decade of Judicial Review Reveals the Need for Heightened Scrutiny of Legislation That Denies Equal Protection to Members of the Gay Community, reviews Romer’s continuing influence on state courts and posits that New Mexico courts are currently in a position to ensure that members of New Mexico’s gay community are afforded equal protection under both the federal and state constitutions. Tyler Atkins’ article, Immigration Consequences of Guilty Pleas: What State v. Paredez Means to New Mexico Criminal Defendants and Defense Attorneys, analyzes the New Mexico Supreme Court’s ruling requiring defense attorneys to advise non-citizen criminal defendants of the specific immigration consequences of guilty pleas and concludes that the holding establishes appropriate safeguards to protect non-citizen defendants’ right to effective assistance of counsel.

Nikko Harada’s Comment, Trans-Literacy Within Eighth Amendment Jurisprudence: De/Fusing Gender and Sex, in a discussion of the adjudication of transgender prisoners’ claims under the Eighth Amendment, argues that the Eighth Amendment fails to recognize the multiplicity of gender identities, an inherent civil right to define one’s self. Simona Martinez-McConnell’s article, The Unstated Tension in Albuquerque Rape Crisis Center v. Blackmer: A Divergence Between Formalism and Functionalism, reasons that, had the opinion blended the functionalist approach of the majority with the formalist approach of the dissent, the court could have created a rule defining when the legislature may enact rules of procedure while, at the same time, adopting a pragmatic stance on how the judicial branch and legislative branch fulfill their constitutionally defined roles. In Spencer v. Health Force, Inc.: One Step Forward, Two Steps Back for New Mexico Tort Jurisprudence?, Deana M. Bennett argues that, while the New Mexico Supreme Court correctly found that a duty of reasonable care existed, despite the presence of a flawed statute, a more thorough analysis of the justifiable violation doctrine would have enhanced the value of the opinion by imposing a higher standard of care on the defendant. Closing the issue is Channah Farber’s Comment, Advancing the Arts Community in New Mexico Through Moral Rights and Droit de Suite: The International Impetus and Implications of Preemption Analysis, which argues that New Mexico should expand upon the existing intellectual property rights it affords
to artists, specifically suggesting that New Mexico should expand its moral rights law and consider establishing a resale royalty law or "droit de suite" if the United States adopts a federal "droit de suite."

We hope that you enjoy the final issue of Volume 36!