

BAR BULLETIN

Official Publication of the STATE BAR of NEW MEXICO

September 2, 2015 • Volume 54, No. 35



Dark Shadows on Red Mountain,
by Dick Evans (see page 3)

ARTWORKinternational, INC., Santa Fe

Inside This Issue

Table of Contents	3
Appellate Practice Section and YLD: Have Lunch with Justice Edward L. Chávez.....	4
Business Law Section: 2015 Business Lawyer of the Year	4
‘Social Security and the Use of Paralegal Representation’ CLE	5
Solo and Small Firm Section: ‘Law, Politics and Journalism’ with Sam Donaldson.....	5
Volunteers Needed at Veterans Legal Clinic on Sept. 8.....	5
Clerk’s Certificates	14
From the New Mexico Supreme Court No. 33,713: In the Matter of Eric D. Dixon, Esq.	16
From the New Mexico Court of Appeals 2015-NMCA-061, No. 33,263: Deutsche Bank National Trust Company v. Maclaurin	18
2015-NMCA-062, No. 32,549: Firstenberg v. Monribot	21



Officers, Board of Bar Commissioners

Mary Martha Chicoski, President
 J. Brent Moore, President-Elect
 Scotty A. Holloman, Vice President
 Dustin K. Hunter, Secretary-Treasurer
 Erika E. Anderson, Immediate Past President

Board of Editors

Maureen S. Moore, Chair Curtis Hayes
 Jamshid Askar Bruce Herr
 Nicole L. Banks Andrew Sefzik
 Alex Cotoia Mark Standridge
 Kristin J. Dalton Carolyn Wolf

State Bar Staff

Executive Director Joe Conte
 Managing Editor D.D. Wolohan
 505-797-6039 • dwolohan@nmbar.org
 Communications Coordinator
 Evann Kleinschmidt
 505-797-6087 • notices@nmbar.org
 Graphic Designer Julie Schwartz
 jschwartz@nmbar.org
 Account Executive Marcia C. Ulibarri
 505-797-6058 • mulibarri@nmbar.org
 Digital Print Center
 Manager Brian Sanchez
 Assistant Michael Rizzo

©2015, State Bar of New Mexico. No part of this publication may be reprinted or otherwise reproduced without the publisher's written permission. The *Bar Bulletin* has the authority to edit letters and materials submitted for publication. Publishing and editorial decisions are based on the quality of writing, the timeliness of the article, and the potential interest to readers. Appearance of an article, editorial, feature, column, advertisement or photograph in the *Bar Bulletin* does not constitute an endorsement by the *Bar Bulletin* or the State Bar of New Mexico. The views expressed are those of the authors, who are solely responsible for the accuracy of their citations and quotations. State Bar members receive the *Bar Bulletin* as part of their annual dues. The *Bar Bulletin* is available at the subscription rate of \$125 per year and is available online at www.nmbar.org. The *Bar Bulletin* (ISSN 1062-6611) is published weekly by the State Bar of New Mexico, 5121 Masthead NE, Albuquerque, NM 87109-4367. Periodicals postage paid at Albuquerque, NM. Postmaster: Send address changes to *Bar Bulletin*, PO Box 92860, Albuquerque, NM 87199-2860.

505-797-6000 • 800-876-6227 • Fax: 505-828-3765
 E-mail: address@nmbar.org • www.nmbar.org

September 2, 2015, Vol. 54, No. 35

Table of Contents

Notices 4
 Legal Education Calendar 6
 Writs of Certiorari 11
 Court of Appeals Opinions List..... 13
 Clerk's Certificates 14
 Recent Rule-Making Activity 15
 Opinions

From the New Mexico Supreme Court

No. 33,713: In the Matter of Eric D. Dixon, Esq. 16

From the New Mexico Court of Appeals

2015-NMCA-061, No. 33,263:
 Deutsche Bank National Trust Company v. Maclaurin 18
 2015-NMCA-062, No. 32,549: Firstenberg v. Monribo 21
 Advertising 29

Meetings

SEPTEMBER

- 2**
 Employment and Labor Law Section BOD,
 Noon, State Bar Center
- 4**
 Criminal Law Law Section BOD,
 Noon, Kelley & Boone, Albuquerque
- 8**
 Bankruptcy Law Law Section BOD, Noon,
 U.S. Bankruptcy Court
- 8**
 Health Law Law Section BOD,
 7 a.m., via teleconference
- 9**
 Children's Law Law Section BOD,
 Noon, Juvenile Justice Center
- 10**
 Business Law Law Section BOD,
 4 p.m., via teleconference
- 10**
 Elder Law Law Section BOD,
 Noon, State Bar Center
- 10**
 Public Law Law Section BOD,
 Noon, Montgomery and Andrews, Santa Fe
- 11**
 Prosecutors Section BOD,
 Noon, State Bar Center

State Bar Workshops

SEPTEMBER

- 2**
 Divorce Options Workshop
 6 p.m., State Bar Center, Albuquerque
- 2**
 Civil Legal Fair
 10 a.m.–1 p.m., Second Judicial District
 Court, Third Floor Conference Room,
 Albuquerque
- 4**
 Civil Legal Fair 10 a.m.–1 p.m.,
 First Judicial District Court, First Floor
 Jury Room, Santa Fe
- 23**
 Consumer Debt/Bankruptcy Workshop
 6 p.m., State Bar Center, Albuquerque

OCTOBER

- 7**
 Divorce Options Workshop
 6 p.m., State Bar Center, Albuquerque
- 7**
 Civil Legal Fair
 10 a.m.–1 p.m., Second Judicial District
 Court, Third Floor Conference Room,
 Albuquerque
- 28**
 Consumer Debt/Bankruptcy Workshop
 6 p.m., State Bar Center, Albuquerque

Cover Artist: Dick Evans was born in the Land of Enchantment and grew up in a rural farming community in the panhandle of Texas with no exposure to art until he started college. He graduated from the University of Utah with a BFA in Drawing and Painting and an MFA in Ceramics and Sculpture. Evans has taught art, primarily in ceramics, which is his primary form of expression. He has also produced sculpture in welded steel and cast bronze. Evans' art is found in many art museums, corporate collections and publications. He feels that the more personal the statement is, the more universal it may be. By avoiding the visually expected, his art often aids the viewer to see surroundings in a different and richly rewarding manner. To view more of Evans' work, visit www.dickevansart.com.