



A Program of the Center for Civic Values

# IOLTA News

An Update from the New Mexico Interest on Lawyer Trust Accounts Program

## 2007 Grant Committee

Annual IOLTA grant awards are based on the recommendations of a seven-member committee composed of lawyers and nonlawyers who are appointed to serve three-year terms by the State Supreme Court, the Center for Civic Values and the State Bar of New Mexico.

The Committee meets once each year to consider applications for IOLTA funding and to develop recommendations which are forwarded to the CCV Board of Directors for review. The recommendations are then submitted to the Court for approval.

### Supreme Court Appointees

David M. Berlin, Esq.  
The Hon. John Pope  
The Hon. Petra Jimenez-Maes

### CCV Appointees

John P. Hays, Esq.  
Kathy Silva

### State Bar Appointees

Kim A. Griffith, Esq.  
Edward T. O'Leary



**Legal FACS Volunteer:** Todd came to the Legal FACS program, an IOLTA grantee, as a then-TVI Paralegal Service Learning Student and has stayed for two years as a Volunteer. "He has been a program saver, when our staff legal assistants have been on vacation or in week-long trainings," notes Office Administrator Maria Hellwig. Todd is seen here working with a client in the Forms Clinic program. Clinic volunteers help self-represented litigants with the completion of domestic relations paperwork.

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**"Equal justice under law . . . is not merely a caption on the façade of the Supreme Court Building. . . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status."**

Justice Lewis Powell, Jr.  
United States Supreme Court  
January 1972–June 1987

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## NM Center on Law and Poverty Works to Protect Day Laborers

Day laborers are people who provide manual labor—often in construction or landscaping—on a short-term basis for low wages. You will see day laborers congregating at ‘pick-up’ sites in cities around the state but most get their work through day labor broker agencies. Day laborers have few resources and, for many reasons, are disinclined to go to the authorities to resolve conflict. Thus, they are easy targets for abuse. Some employers whittle away at their already low wage until it is well below minimum wage by, for instance, taking unreasonable deductions for transportation to the work site, for use of protective gear or tools, or for cashing their paychecks. Sometimes, they cheat them out of all the wages they are due.

There are roughly 7,500 day laborers throughout the state of New Mexico. They are very poor and many of them are veterans or immigrants. Three years ago, the New Mexico Center on Law and Poverty collaborated with the Southwest Center for Economic Integrity to survey day laborers here in New Mexico. They found that roughly three-quarters were male and one-quarter were female. Their average age was 43, more than 80% of them had children, and 75% were homeless. An astonishing number had experienced abuse by employers: 40% reported being paid less than the agreed-upon wage and 33% reported not being paid at all for work completed.

In 2005, with IOLTA funding through the Center for Civic Values, the Center on Law and Poverty helped educate state policy makers about day laborers and drafted legislation to protect them. The New Mexico Day Laborer Act was signed into law (codified at 50-15-1 NMSA 1978) that April. The Act protects day laborers from abuses by employers by mandating several requirements. For example, the Act requires that day laborer service agencies: pay workers for all work performed; give workers itemized accountings of any deductions taken from their wages; and not restrict a worker from taking a permanent job. Additionally, the Act limits the amount that an employer can charge for cashing a check to \$2.00.



This past summer, staff at the Center began looking into how well the Day Laborer Act was being enforced. They learned that the New Mexico Department of Labor—the agency charged with enforcing its provisions—had not yet written regulations for the Act or begun enforcing it. Center staff called on the Department to begin

enforcing the Act and then rolled up their sleeves to help. After researching the best regulations for similar laws in other states they provided draft regulations, procedures and complaint forms for New Mexico. This past November, the regulations were adopted by the Department with minimal revision.

Now, with IOLTA funding from the Center for Civic Values and from the Bar Foundation’s Pro Hac Vice fund, the Center on Law and Poverty has begun to facilitate and ‘watchdog’ enforcement of the Day Laborer Act. The Department of Labor is now implementing the Act, but this is a difficult law to enforce, since the victims do not easily come forward. The Center plans to meet with groups of day laborers to inform them of their rights and to collect data about violations of the Act including which agencies are committing them. They will also educate organizations that provide services to homeless people and immigrants about the new law and how to help individuals file claims. These organizations too will be asked to track information about the kinds and sources of abuses day laborers are experiencing and the Center will serve as a clearinghouse for the information. Finally, the Center will share the information that is collected with the Department and will monitor its handling of claims and violations.

By ensuring that there is a system in place for day laborers to report and remedy workplace abuses, the Center on Law and Poverty hopes to diminish the level of abuse that these vulnerable working people experience, and enhance the likelihood that they will be able to improve their living conditions and those of their families.

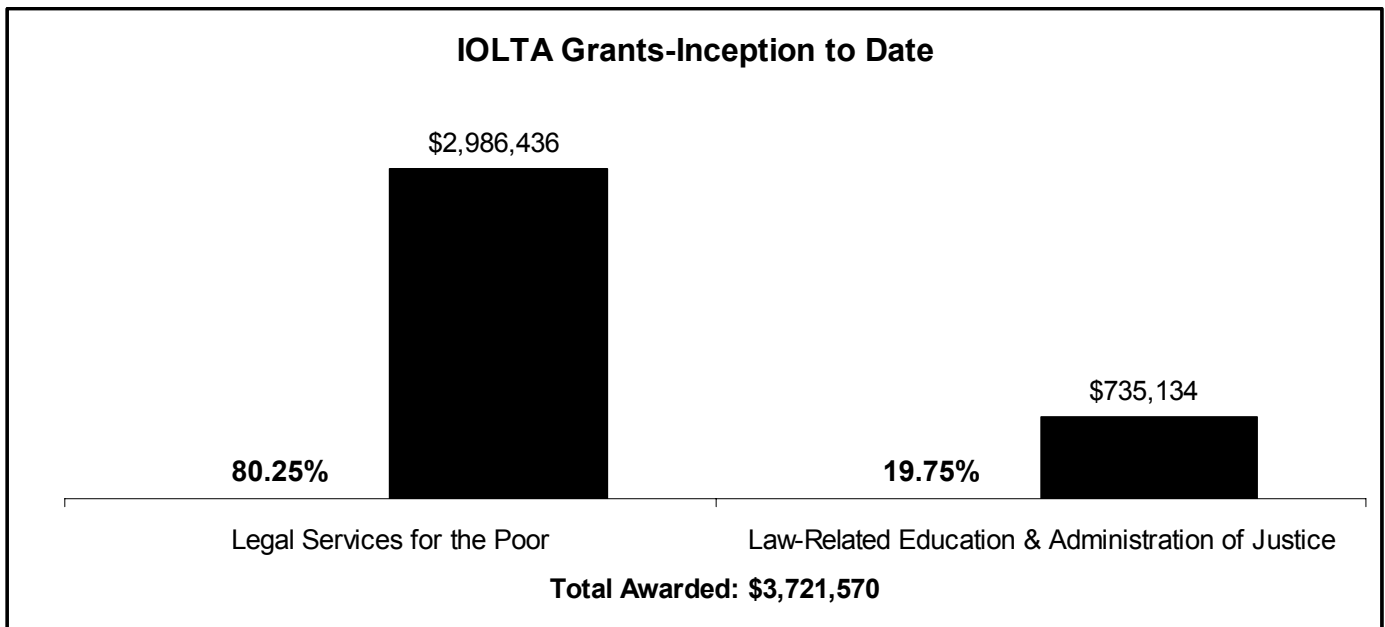
## Honor Roll of Financial Institutions

Sincere thanks to the financial institutions below. Because they **waive minimum balance** requirements, **waive processing charges** to CCV or **offer competitive interest rates**, several thousand additional dollars are available annually to help the nearly 1/2 million New Mexicans who benefit from services provided by IOLTA-funded organizations. **PLEASE** consider banking at one of these IOLTA-friendly institutions.

1 <sup>st</sup> National Bank in Las Cruces	First National Bank in Las Vegas	Pioneer Bank
Access Bank	First National Bank of Alamogordo	Portales National Bank
AmBank	First National Bank of Artesia	Ranchers Bank
Bank 1st	First National Bank of New Mexico	State National Bank of El Paso
Bank of Albuquerque	First National Bank of Santa Fe	State National Bank of Las Cruces
Bank of the Rio Grande	First Savings Bank of Deming	State National Bank of Ruidoso
Bank of the Southwest at T or C	First State Bank of Socorro	State National Bank of T or C
Century Bank of Santa Fe	Four Corners Community Bank	Sunrise Bank of Albuquerque
Charter Bank	Grants State Bank	The Bank of Clovis
City Bank NM	Ironstone Bank	Union Savings Bank
Community Bank of Santa Fe	Lea County State Bank	US New Mexico Federal Credit Union
Community First National Bank	Los Alamos National Bank	Valley Bank of Commerce
Compass Bank	Matrix Bank	Valley National Bank
First Bank of Clovis and Portales	New Mexico Educators Federal Credit Union	VectraBank
First Community Bank	Peoples Bank	Wells Fargo Bank New Mexico
First Federal Bank	Pinnacle Bank of Gallup	Western Bank of Alamogordo
First Financial Credit Union		Western Commerce Bank

## Supreme Court Approves 2007 IOLTA Grants

The State Supreme Court approved distribution of \$225,000 in IOLTA grants to 11 nonprofit organizations that provide a wide variety of services to the citizens of New Mexico. The 2007 distribution brings the total awarded by IOLTA to more than \$3.7 million, since the first grants were given in 1987. This year's budget represents a 15% increase over 2006, and it is anticipated there will be an additional increase in 2008, if current revenue trends hold. Applications for 2008 funding will be available on the CCV website on October 1 and must be postmarked by November 1. Call 764-9417, extension 12, for more information about IOLTA grants or visit IOLTA on the web at [http://www.civicvalues.org/IOLTA\\_main.htm](http://www.civicvalues.org/IOLTA_main.htm).



## National News and Notes

### Comparability Requirements Adopted in Illinois, Minnesota and Texas

Illinois, Minnesota and Texas have become the latest states to adopt interest rate comparability requirements. Under the requirements, lawyers must hold IOLTA accounts only in financial institutions that pay no less on IOLTA deposits than the highest interest rate or dividend paid to a bank's own non-IOLTA customers when the IOLTA account meets the same balance or other eligibility qualifications. Each of these three states expects the new requirements to increase IOLTA revenues.

The requirements were incorporated in amendments to each state's IOLTA rule, approved by their respective supreme courts. Texas' requirement was adopted in December and took effect March, 1, 2007. The Minnesota provision was also approved in December, and will take effect July 1. The Illinois requirement was approved in January and will take effect June 1.

The (ABA) Commission on IOLTA and the National Association of IOLTA Programs, through their Joint Technical Assistance committee, continue to assist IOLTA programs considering and drafting interest comparability requirements and other revenue enhancement provision. For assistance or information, contact Commission Counsel Bev Groudine at 312-988-5771 or [bgroudine@staff.abanet.org](mailto:bgroudine@staff.abanet.org).

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### Thanks for Your Interest!

Thank you and congratulations to the following attorneys and firms for opening new/additional or converting existing trust accounts to IOLTA. You are making a difference in the lives of nearly half a million New Mexicans who receive services from IOLTA-funded programs. (Law firm names are listed according to the information provided by their financial institutions.)

Alan Malott Professional Corp.	Jana L. Walker Attorney at Law	Pavon Law LLC
Albuquerque Advocates IOLTA PC	Jay R. Mueller & Associates	Pedro G. Rael, Trial Lawyer, PC
Allison B. Dierlam PC	Jeffrey A. Dahl PC	Phillip N. Payne Esq.
Andrew Lewinter Attorney PC	Jennings & Jones LC	Pica Scibel & Vaughn LLP
Barbara Rowe Attorney at Law	John R. Funk	Priscilla A. Shannon
Brigette C. Buynak Atty at Law IOLTA	Jones & Smith LLC	Rachel I. Walker Al-Yasi
Canales-Owen General Client Trust	Kathleen M. Brandt Esq.	Ralph D. Dowden Attorney at Law
Charlotte J. Craig Attorney at Law	Keller & Keller of New Mexico	Rammelkamp Muehlenweg & Cordova PA
Chester A Bowerman	Kenneth G. Egan	Raul A. Lopez Attorney at Law
Christin K. Kennedy Attorney at Law	Law Office of Anthony P. Martinez	Rigler Law Office
Clear & Clear PA	Law Office of Christopher B. Mixon	Robert B. Collins
CMS Legal Services LLC	Law Office of Frances A. Crockett	Robert I Waldman
Cohen & Cohen PA	Law Office of Maria D. Preciado PA	Robert L. Lovett PC
Consultants United LLC	Law Offices of Allan L. Wainwright PA	Roscoe A. Woods & Associates LLC
Craig J. LaBree General Trust	Law Offices of Lupe H. Preciado PC	Sanchez Legal Solutions LLC
Craig J. LaBree JL	Lawrence P. Zamzok Esq.	Sarah M. Armstrong, PC
Craig J. LaBree SF Escrow	Lee & Ross	Schlenker & Urrea LLP
David I. Rupp Attorney at Law	Legal Solutions PC	Schuchardt Law Firm
Dennis F. Armijo PC	Leonard J. Piazza PA	Standridge Law Firm PC
Dominguez Law	Les W. Sandoval Atty at Law	Tal Young, PC
Eric Sedillo Jeffries LLC	Limkin Law Office PC	The Kassakhian Law Offices
Fang & Ortiz LLC	Long Pound & Komer PA	The Law Offices of Mike Sutin
Finch & Olson PA	Manny M. Aragon	The Pickett Law Firm
George F. Stevens Attorney at Law	Margaret A. Schulze, Attorney at Law	Timothy M. Padilla
Glass & Reynolds	Mark A. Stewart	Tippet Law Firm
Goodwin Law Office	Matthew Vance PC	Wendy E. York Attorney at Law
Gregory Ross PA	Michael C. Crane	William C. Erwin Esq.
Ignacio V. Gallegos	Michael J. Gopin & Ricardo Rios	Williams Law Firm
James A. Chavez PC	Musselman & Associates PC	Youtz & Valdez, PC