

## Thank You!

We extend heartfelt thanks to **Representative Jeanette O. Wallace** and **Senator Nancy Rodriguez** for introducing bills to support the New Mexico High School Mock Trial program through appropriations to the University of New Mexico School of Law.

The funding was included as two separate line items in the budget; one was approved, and the other was vetoed, leaving \$25,000 in state support for the 2003-2004 program.



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## Rio Rancho Mock Trial Team Earns Trip to “Big Easy”

At the 25th annual New Mexico mock trial state finals, Rio Rancho High School won the state championship and the right to represent New Mexico at the national finals in New Orleans, May 7–11.

RRHS mock trial team members — **Jamie Brooks, Melissa Cardenas, Melissa Emery, Peter Meilleur, Rebecca Nowotny, Andrew Tenneson, and Chandelle Yarmey-Legg** — were coached by teacher advisors **Sue Carley** and **Sarah Morgan-Dow** and attorney **Ken Fladager** of the Second Judicial District Attorney’s Office

The Rio Rancho team went 2-2 in the national finals, earning a 19th place finish, the highest by a New Mexico team since Capital High of Santa Fe came in third in 1998. Other teams placing in the New Mexico state finals were **Albuquerque Academy, La Cueva**

(Albuquerque), **Belen**, and **Sandia** (Albuquerque) which placed first through fourth runner up awards, respectively.

Outstanding Witness awards went to **Jaron Andrews**, Belen; **Ana Hernandez**, Mayfield; **Stephanie Jamison**, Clovis; **Marisa Sleeter**, Eldorado; and, **Connor White**, Albuquerque Academy.

Outstanding Attorney award recipients were **Melissa Cardenas**, Rio Rancho; **Brandi Hayes**, Belen; **Michael Huerta**, Mayfield; **Walter Lamberson**, La Cueva; **Tyrell Northcutt**, Clovis; **Melinda Plimpton**, Eldorado; **Jessica Rainey**, Belen; and, **Amanda Strauss**, Cibola.

The Outstanding Advisor award went to **Jacque Davenport** of Animas High School, who received a commemorative plaque and a \$500 check.

## Mock Trial Volunteers Honored

Individuals who celebrated their 10-, 15- or 20-year anniversaries with the New Mexico high school mock trial program in 2003 were honored at the regional and state finals awards ceremonies in Albuquerque and Las Cruces. Together, they have given *more than two centuries* to mock trial in New Mexico.

### 10 Years

Jerry Cantwell  
Ella Joan Fenoglio  
Anthony Gonzales  
Bruce Herr  
Tila Hoffman  
The Hon. Mark Macaron  
Chauncey Matthews  
The Hon. Pamela Minzner  
Kim Shavey

### 15 Years

David Berlin  
Steve Bovee  
Jerry Dixon  
Robert "Tito" Meyer  
Charles "Kip" Purcell  
David Rupp

### 20 Years

The Hon. Christina Armijo  
Dawn Rupp

### *Thank You* Mock Trial Volunteers!

Evan Blackstone  
Jatone Bovee  
Steve Bovee  
Gloria Chavez-Sampson  
Donna Dooris  
Gary Garvin  
Karl Johnson, Esq.  
Michael Moore, CPA  
Matthew Brent Ray  
Bernice Reed  
H. Nicole Schamban, Esq.

Special thanks to CCV staff member and scoring wizard **Anthony Gonzales!**

## Thank You, Mock Trial Judges

These generous people gave their time and expertise to serve as judges at the 2003 New Mexico high school mock trial competition.



Robby Berlin, Cibola High School, conducts a rigorous cross-examination during the 2003 mock trial state finals.

The Hon. M. Christina Armijo	John P. Hays	Edith M. Reeves
William Rusty Babington	Bruce Herr	Linda Rodgers
Anne Elizabeth Beauchene	Robert E. Hill	Raymond R. Romero
Donald Becker	Phyllis Hill-Maglione	Barbara Romo
The Hon. Bruce Black	Tila F. Hoffman	Jessica Rothfuss
Cynthia Braun	Diana Jackson	David Rupp
Bill Brown	Thomas F. Keleher	Mark A. Saltman
Kelly H. Burnham	M. Karen Kilgore	Kimberly A. Schavey
The Hon. M. Bustamante	Lynda M. Latta	Kim M. Seckler
The Hon. Harl D. Byrd	Peter S. Levitt	Carolyn Sedalnick
The Hon. Silvia Cano-Garcia	Anthony Little	Geoffrey Sloan
Jerry P. Cantwell	The Hon. James T. Locatelli	The Hon. Leslie C. Smith
Randy Castellano	The Hon. Mark Macaron	Greg Steinman
Gloria Chavez-Sampson	Paula Maynes	Susan Sullivan
Briggs F. Cheney	Margaret McLean	John Sullivan
Carter Clary	Robert "Tito" Meyer	Norman Thayer
Rosemary Cosgrove	The Hon. Pamela B. Minzner	Paul Douglas Vaughan
Gerald G. Dixon	Kathleen M. Mixon	The Hon. Michael Vigil
Shannon Donahue	The Hon. Karen Molzen	Richard Watts
Donna J. Dooris	Deb Moulton	Jane Webster
Ella Joan Fenoglio	Craig Orraj	Deborah Wells
Greg Fouratt	Felipe Perea	Emily Wenzelburger
The Hon. Gene Franchini	Alfred J. Perez	Richard Callaway Williams
Judy Fry	The Hon. John W. Pope	Michael L. Winchester
Robert A. Garcia	Kip Purcell	Karen E. Wootton
Ilyse D. Hahs	Matthew Brent Ray	Lawrence Zamzok



Justice Gene E. Franchini, NM Supreme Court (retired), congratulates Brandi Hayes, Belen High School. Ms. Hayes received Outstanding Attorney awards at regionals and finals.

Congratulations to  
**Jacque F. Davenport**  
 of Animas High  
 School, CCV's 2003  
 Outstanding Mock Trial  
 Teacher Advisor!



"Principal Whitney Mathis" (Andrew Tenneson) carefully monitors the time during the cross-examination of "Sydney Taylor" (Peter Meilleur). Both are members of the state champion Rio Rancho High School mock trial team.

## Teachers and Attorneys Mentor Mock Trial Teams

Every year in New Mexico attorneys and high school teachers donate countless hours to mentor mock trial teams across the state. From October through March, they meet regularly with students to help them plan their hypothetical cases using materials from CCV. We acknowledge and thank the dedicated

individuals below who gave their time, energy and expertise to help provide this remarkable educational program to hundreds of the state's teens during the 2002-2003 academic year. In the words of your team members, "You rock!"

<b>Team</b>	<b>Teacher Advisor(s)</b>	<b>Attorney Coach(es)</b>
Alamogordo	Deb Malin	David Ceballes
Albuquerque Academy	Jessica Hass	Sonia Roth
Albuquerque	Susana Langner	J. Ed Casados
Animas (2 teams)	Jacque F. Davenport	Russell Tolley
Belen	Chauncey Matthews	None
Capital	Maureen Nelson	John Hays & Artie Pepin
Cibola (2 teams)	Marvin Romero	David Berlin & Melissa Stephenson
Cloudcroft	Dawn D. Rupp	Lynn Pruett
Clovis	Therese M. Pacheco	James Wilson
Coronado	Kathleen M. Ebell	None
Del Norte	Lesly C. Stern	Shari L. Cordova & Alan Wilson
East Mountain	Marie M. Gutierrez	Joshua R. Simms
Eldorado	Sandra K. McMurray	Cerianne Mullins & James R.W. Braun
La Cueva (2 teams)	George E. Shea	Hon. Neil Candelaria & Ann DeMarais
Los Alamos	Brian Easton	None
Lovington	Roger L. Davis	Mike Newell
Mayfield (2 teams)	Sandra L. Morrow	Jeff Lahann, Michael Dugan & Marron Lee
Monte Del Sol	Terry T. Wyrick	Milton Wyrick
Moriarty	Peggy S. Jackson	Tom Briones & Dennis Wallin
Rio Rancho	Susan Carley & Sarah Morgan-Dow	Ken Fladager
Sandia (2 teams)	Paige A. Galvin	Nelse Schreck
Sandia Preparatory School	Stacy S. Moses	Doug Anderson & Michael Cox
Santa Teresa	Norma I. Casas	Richard Jacques
Silver (2 teams)	Josh B. Vermillion	Jim Foy
West Mesa	Tomas A. Fernandez	None

## Donors (as of May 28, 2003)

The support of the individuals and firms listed below helps to make possible the work of CCV. The board extends a hearty "thank you." If we inadvertently omitted or misspelled your name, please accept our sincere apologies. Also, we would appreciate your notifying us of any errors, so we can correct our records.

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Anonymous  
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Lawrence P. Zamzok, Esq.  
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Never doubt that a  
small group of  
thoughtful,  
committed citizens  
can change the  
world.

Margaret Mead

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## N.M. Supreme Court Approves Grants-Total Awards Top \$2.8 Million

The State Supreme Court approved distribution of \$150,000 in IOLTA (Interest on Lawyer Trust Accounts) grants to seven nonprofit organizations that provide a wide variety of services to the citizens of New Mexico. See *related story on page 7*.

Nationwide, IOLTA programs contribute more than \$100 million dollars each year to fund programs that provide legal services for the poor, law-related education for the public and improvements in the administration of justice.

The New Mexico grant allocations were based on the recommendations of a seven-member committee composed of lawyers and nonlawyers who are appointed to three-year terms by the Supreme Court, the State Bar of New Mexico and CCV. The committee members who reviewed applications for 2003 funding were **Kathy Silva**, Sandia National Laboratories; **David Berlin**, Duhigg, Cronin, Spring, Berlin and Bencoe; **Judge**

**Thomas Fitch**, New Mexico District Court; **Kim Griffith**, Sheehan, Sheehan & Stelzner; **John Hays**, Cassutt, Hays and Friedman; **Patricia Hoxsie**, and **Justice Patricio Serna**, New Mexico Supreme Court.

In September, funding applications were distributed to New Mexico 501(c)(3) organizations that met the established IOLTA criteria. Completed applications were due in October, and the committee met in November to review them. The group's recommendations were submitted first to the CCV Board of Directors for review and then to the New Mexico State Supreme Court for approval.

Applications for 2004 funding will be available on the CCV website on September 1 and must be postmarked by October 1. Call 764-9417, extension 15, for more information about IOLTA grants.

## U.S. Supreme Court Renders Victory for IOLTA

**NOTE:** The article below is reprinted from the American Bar Association's, [Legal Services Now](#), Issue 40.

On March 26, 2003, the U.S. Supreme Court issued its decision in *Brown v. Legal Foundation of Washington*, upholding the constitutionality of IOLTA. In this 5-4 ruling, the Court held that even assuming that a law requiring that the interest generated from IOLTA accounts be transferred to a different owner amounted to a per se taking, the taking was for a valid public use and the amount of just compensation due was zero. As a result, the Court found that the operation of the IOLTA program in Washington State does not violate the Fifth Amendment. In a related matter, on March 31, 2003, the Court acted upon the petition for certiorari that had been filed in June 2001 in the Texas IOLTA case. The court granted the petition, vacated the judgment entered by the Fifth Circuit court of Appeals, which had found that the program violated the Fifth Amendment, and remanded the case to the Fifth Circuit for further consideration in light of the *Brown* decision.

purpose and there was no loss of a reasonable, investment-backed expectation of pecuniary gain, there was no Fifth Amendment violation.



## N.M. Supreme Court Amends IOLTA Rule

**NOTE:** The article below is reprinted from the American Bar Association's, [Legal Services Now](#), Issue 36.

The Supreme Court of the State of New Mexico has amended the state's IOLTA rules to convert the IOLTA program from a voluntary program to an opt out one. Effective April 1, 2002, the new rules required lawyers or law firms to create and maintain an IOLTA account for clients' funds which are nominal in amount or are to be held for a short

period of time, unless a letter is submitted to the Clerk of the Supreme Court in which the lawyer or law firm declines to participate. The letter must be submitted by January 10 of each calendar year in which the lawyer wishes to decline participation. It is hoped the rule change will lead to an increase in IOLTA revenues. Currently 27 jurisdictions mandate lawyer participation in IOLTA, 22 permit lawyers to opt out and in three, lawyer participation is voluntary.

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## N.M. Supreme Court Approves Opt Out IOLTA Program

Thank you and congratulations to following attorneys or firms for opening new or converting existing trust accounts to IOLTA. You are making a difference in the lives of 375,000+ New Mexicans each year.

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## IOLTA Funds To Help Elderly, Poor, Youth

The Interest on Lawyer Trust Accounts (IOLTA) program has awarded \$150,000 to New Mexico nonprofits that help senior, poor and young citizens in the state. IOLTA funds are generated from the interest earned on the pooled client trust accounts of attorneys in private practice.

- ⌋ **Advocacy, Inc. Waits Advocates for Youth (WAY) Project** \$8,000  
The WAY Project will give civil legal services to at-risk juveniles who have unresolved education and Medicaid/mental health issues.
- ⌋ **Albuquerque Bar Association Legal FACS** \$20,000  
Legal FACS (Forms and Courthouse Services) will provide legal services to domestic violence victims and to low-income civil litigants in Bernalillo County.
- ⌋ **New Mexico Center on Law and Poverty** \$67,000  
The New Mexico Center on Law and Poverty will supply critical and unique legal advocacy services for low-income persons living throughout the state.
- ⌋ **New Mexico Environmental Law Center** \$5,000  
The New Mexico Environmental Law Center will offer free legal representation to low-income, minority communities that are facing environmental justice, degradation and health issues.
- ⌋ **New Mexico High School Mock Trial** \$35,000  
The New Mexico High School Mock Trial program will educate high school students about real-life issues in a courtroom setting.
- ⌋ **Office of Catholic Social Ministry** \$5,000  
The OCSM will offer non-religious naturalization and immigration education and services to low-income residents in Southern New Mexico.
- ⌋ **Senior Citizens' Law Office** \$10,000  
SCLO will provide a Health Care Rights project by advocating for and educating senior citizens in managed health care plans in Bernalillo County.



I am somehow less interested in the weight and convolutions of Einstein's brain than in the near certainty that people of equal talent have lived and died in cotton fields and sweatshops.

Stephen Jay Gould

## Honor Roll of IOLTA Financial Institutions

Sincere thanks to the financial institutions below, which **do not assess fees** to CCV for the processing of IOLTA accounts. As a result of their commitment, several thousand additional dollars are available each year for grants to programs that serve more than 375,000 New Mexicans annually.

AmBank	First National Bank of New Mexico	Peoples Bank
Bank 1st	First National Bank of Santa Fe	Peoples Bank
Bank of Albuquerque	First New Mexico Bank	Pioneer Savings & Trust
Bank of Santa Fe	First State Bank	Portales National Bank
Bank of the Rio Grande	First State Bank of Albuquerque	Ranchers Bank
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Charter Bank	First State Bank of Taos	State National Bank of Las Cruces
Citizens Bank of Clovis	Four Corners Community Bank	Sunrise Bank of Albuquerque
Community First National Bank	Gallup Federal Savings Bank	U.S. New Mexico Federal Credit Union
Compass Bank	Grants State Bank	Valley Bank of Commerce
Farmers & Stockmens Bank	Lea County State Bank	Wells Fargo Bank New Mexico
First Federal Bank	Los Alamos National Bank	Western Bank of Alamogordo
First Financial Credit Union	Matrix Capital Bank	Western Bank of Gallup
First National Bank of Alamogordo	Mesilla Valley Bank	Western Commerce Bank
First National Bank of Artesia	N.M. Bank & Trust	
First National Bank of Las Vegas	N.M. Educators Federal Credit Union	

## 2003 Rose Scholarship Awarded



Rachel Bayliss, a member of the first-year class at the University of New Mexico School of Law, was selected by the school to receive the 2003 U.M. Rose Scholarship.

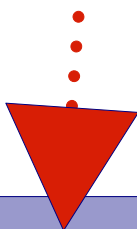
The scholarship was established at CCV through a bequest from the Rose family of Hobbs, and is awarded

annually to provide financial aid to a law student from the southeastern part of the state. Ms. Bayliss is a graduate of Eastern New Mexico University and a former member of the Clovis High School mock trial team.

## Supporting Our Community

Since our last issue, CCV has supported the following community organizations and activities:

- Albuquerque Character Counts!
- Crisis Center of Northern New Mexico
- Dr. Martin Luther King, Jr., Scholarship Fund
- Equal Access to Justice Fund
- Foundation for Open Government
- League of Women Voters Education Fund
- New Mexico High School Mock Trial
- RRHS State Champion mock trial team
- UNM School of Law Association of Public Interest Law



Generous support from these organizations helped to make the 2003 mock trial program an outstanding educational experience for hundreds of New Mexico high school students. *Thank you!*

- Hatton W. Sumners Foundation
- Interest on Lawyer Trust Accounts (IOLTA) Program
- New Mexico State Bar
- Oso Grande Technologies
- Second Judicial District Court
- The Funding Exchange
- Third Judicial District Court
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## Center for Civic Values

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