



# civics matters

Civics Matters · Volume 13 Number 2 · Summer 2007 · The Newsletter of the Center for Civic Values



## Sandia Brings Home Highest Finish Ever by an APS School!

### Board of Directors

David M. Berlin, Esq., **CHAIR**  
Duhigg, Cronin, Spring & Berlin, PA

Ina Simmons, **Vice CHAIR**  
Samaritan Counseling Center

Lynda M. Latta, Esq.,  
**FINANCE COMMITTEE CHAIR**  
Law Office of Lynda M. Latta

H. Nicole Werkmeister, Esq.,  
**IMMEDIATE PAST CHAIR**  
Narvaez Law Firm

John P. Hays, Esq.,  
**LEGISLATIVE LIAISON**  
Cassutt, Hays & Friedman, PA

The Hon. Gene E. Franchini  
**MOCK TRIAL COMMITTEE CHAIR**  
NM Supreme Court (retired)

Thomas R. Briones, Esq.,  
**DIRECTOR**  
Law Offices of Thomas R. Briones, PA

Thomas F. Keleher, Esq.,  
**DIRECTOR**  
Keleher & McLeod, PA

Kathleen M. Mixon, Esq.,  
**DIRECTOR**  
Simone Roberts & Weiss, PA

Melissa Patterson, **DIRECTOR**  
Legal Economics

Patrick M. Shay, Esq., **DIRECTOR**  
Rodey Dickason Sloan Akin & Robb, PA

Jane Webster, **DIRECTOR**  
LBJ Middle School, APS

**PRO BONO COUNSEL**  
Andrew G. Schultz



Sandia High School recently won the New Mexico high school mock trial state championship, earning the right to attend the national finals in Dallas, May 9 - 13. After placing first in the state, the team had just five weeks to learn a new case entitled, Estrella Blanca Lineas vs. Ewing Shipping Lines, a maritime negligence issue patterned after one of the biggest industrial disasters in US history. The real event occurred on April 16, 1947, in the Port of Texas City.

In the mock trial, Estrella sued Ewing for negligently transporting pure magnesium powder, a highly explosive

substance that creates hydrogen gas when exposed to water. A ship owned by Estrella, the *Euphoric*, collided with a Ewing ship, the *Miss Ellie*, that was docked, awaiting unloading of the magnesium. At the time, the *Euphoric* was being piloted by a Texas City harbor pilot. An out-of-control fire and huge explosion occurred, killing hundreds, injuring thousands more and causing tens of millions in property damage. Who was at fault was the question the 40 teams from as far away as South Korea and the Northern Mariana Islands had to answer during the national championship.

The Sandia students earned a top ten finish, placing 9th - the highest ever by an Albuquerque Public School, and the highest finish by a New Mexico team since 1998.

Team members – Kelsey Gutierrez, Aaron Miller, Rachael Sullivan, Matt Scarvie, Walther Shelley (timekeeper), Cristina Strunk (who received an Outstanding Attorney award), and Erin VanDerHoof – were coached by teacher Cramer Johnson and attorneys Jack Jacks and Matt Vance.

“Education is not the filling of a pail, but the lighting of a fire.”

—William Butler Yeats

## SANDIA HIGH SCHOOL MOCK TRIAL STATE CHAMPIONS



## DONORS (AS OF JUNE 20, 2007)

The Board extends a heartfelt “thank you” to the individuals and firms listed below who help to make possible the work of CCV. 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.

### GENERAL

Adam Kurtz, Esq.  
Alan Lebeck and Kathleen Davison Lebeck  
Anonymous  
Brian E. Jennings, Esq.  
Charles “Nick” Estes, Esq.  
Cynthia B. Hall, Esq.  
Danielle Her Many Horses, Esq.  
Dennis K. Wallin, Esq.  
Dolph Barnhouse, Esq.  
Dr. Karl Robinson and Melissa Patterson  
Elaine M. Hebard, Esq.  
H. Nicole and Jim Werkmeister  
Ilyse D. Hahs-Brooks, Esq.  
James Maus, Esq.  
Jeffrey A. Dahl, Esq.  
Jerry Todd Wertheim, Esq.  
Karl Johnson, Esq.  
Keith S. Burn, Esq.

Lucy Salsbury Payne, Esq.  
Lynda M. Latta, Esq.  
Patrick J. Martinez, Esq.  
Paul A. Kastler, Esq.  
Stuart M. Bluestone, Esq.  
Suzanne Lubar, Esq.  
Thomas “TJ” McReynolds, Esq.  
Thomas E. Luebben, Esq.  
Tim Vollmann, Esq.

### MEMORIALS

David and Theresa Wallis (in memory of Olin Wallis)

### STATE MOCK TRIAL

Madison, Harbour, Mroz & Brennan, PA  
Stephen French & Katherine Tourek

# TEACHERS: CELEBRATE CONSTITUTION DAY, SEPTEMBER 17

## *U.S. Constitution: A Brief History*

In 1787, the Constitutional Congress held its final meeting on September 17. After months of painstaking work, they met to sign the Constitution of the United States of America. Of course much remained to be done: the states still had to vote to ratify. It wouldn't be until two years later—on March 4, 1789—that the first U.S. Congress met at Federal Hall in New York City to declare the new Constitution to be in effect.

Beginning with the 2005 academic year, all schools that receive federal monies must “hold an educational program pertaining to the United States Constitution on September 17 of each year.” (If September 17 is on a weekend day, schools must recognize Constitution Day the week before or after.) What that “educational program” should consist of isn't specified in the notice of implementation from the US Department of Education and it isn't described in the federal appropriations bill that requires it.

Below are some online resources that will give you the tools to recognize Constitution Day this year and in years to come.

### THE NATIONAL ARCHIVES

Any study of the U.S. Constitution should begin with the resources of The National Archives. The National Archives, which is the home of the original copy of the U.S. Constitution, has been recognizing Constitution Day for many years. Their resources include actual images of the U.S. Constitution. You can view the images or click the Read Transcript button for a text version. The site also offers a clear and readable history of the creation of the Constitution. A More Perfect Union: The Creation of the U.S. Constitution, and biographies of the participants. A long list of questions and answers about the Constitution will help anyone better understand this historic document.

### A DEFINITIVE TIMELINE

In *Centuries of Citizenship: A Constitutional Timeline*, the National Constitution Center offers a detailed description of the days leading up to the Constitutional Convention all the way to the latest challenges to it.

### CREATING A CONSTITUTION GALLERY

The Library of Congress's American Memory Collection offers a rich collection of images related to the Constitution in its “Documents from the Continental Congress and the Constitutional Convention of 1774-1779.”

### IN WORDS YOU CAN UNDERSTAND

Do you or your students get bogged down in the terminology of the Constitution? Two online resources will help to clarify it: The National Constitution Center offers an “Interactive Constitution.” Click on any of the images at the top of the page to read an explanation of an article or amendment. JusticeLearning.org presents a similar “Constitution Guide,” in which you can click on any article or amendment and then click the “What It Means” for a straightforward explanation.

### IN THE CONSTITUTION – NOT

Many of us presume things about the Constitution which, when we dig a little deeper, prove not to be true. The US Constitution Online may set straight some of these mistaken ideas on their “Things That Are Not in the US Constitution” page.

## *Cibola High Wins in New York!*



The Cibola High School Mock Trial team placed first at the Empire City Mock Trial Invitational held in Brooklyn, New York, from June 15-18, 2007. The hypothetical case was about the alleged murder of an up-and-coming hockey star who was struck

in the head with a hockey stick by a fading all-star, who had recently lost a lucrative multi-million dollar contract to the decedent. The victim was also linked romantically to the defendant's wife at the time of the incident.

At issue in the case were (1) whether the defendant had acted in self defense and (2) what had actually killed the victim — the blow to the head by the hockey stick or an aneurysm that burst just prior to the fight.

Caroline Chapdelaine and Jon Dominguez won Outstanding Attorney awards, while Steven Castillo was recognized as an Outstanding Witness. Other team members were Victoria Gonzales, Brittany Herrera, Jeremy Keith and Kaycee Schleich. The students were coached by teacher Marvin Romero and attorney David Berlin.

The sponsors of the event, Tottenville High School, of Staten Island, New York, selected teams by reviewing the results from National and State competitions throughout the country, and inviting teams that had done well in their local events.

# Grantee Focus: 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.

## IOLTA 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.

1st National Bank in Las Cruces  
 AmBank  
 Bank 1st  
 Bank of Albuquerque  
 Bank of the Rio Grande  
 Bank of the Southwest at Roswell  
 Bank of the Southwest at T or C  
 Century Bank of Santa Fe  
 Charter Bank  
 Citizens Bank of Las Cruces  
 City Bank NM  
 Community Bank Los Alamos  
 Community Bank Santa Fe

Compass Bank  
 First Community Bank  
 First Financial Credit Union  
 First National Bank in Alamogordo  
 First National Bank in Las Vegas  
 First National Bank in Roswell  
 First National Bank of Artesia  
 First National Bank of New Mexico  
 First National Bank of Santa Fe  
 First Savings Bank of Deming

Four Corners Community Bank  
 Gallup Federal Savings Bank  
 Grants State Bank  
 Ironstone Bank  
 Lea County State Bank  
 Los Alamos National Bank  
 My Bank  
 New Mexico Educators Federal Credit Union  
 Peoples Bank  
 Pinnacle Bank of Gallup  
 Pioneer Bank  
 Pioneer Bank Carlsbad  
 Portales National Bank  
 Roswell National Bank  
 State National Bank

State National Bank of Ruidoso  
 State National Bank of T or C  
 Sunrise Bank of Albuquerque  
 The Bank of Clovis  
 Union Savings Bank  
 US New Mexico Federal Credit Union  
 Valley Bank of Commerce  
 Valley National Bank  
 VectraBank  
 Wells Fargo Services IOLTA Enrollment  
 Western Bank of Alamogordo  
 Western Bank of Clovis  
 Western Commerce Bank



### THANK YOU 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. (Names are listed according to the information provided by their financial institutions.)

Bleus & Associates LLC  
 Baker Law Office LLC  
 Barbara Buck  
 Barbara Rowe  
 Cervantes Law Firm PC  
 Charles P. Reynolds Attorney  
 Darlan Gathings  
 David R. Lee Attorney Trust Account  
 Davis Miles PLLC  
 Diane Webb Attorney at Law PC  
 Edward Justin Pennington

Ilyse D. Hahs Brooks  
 John M. Greacen Trust Account  
 John P. Faure PA  
 John W. Higgins IOLTA  
 Joshua D. Boone Attorney at Law  
 Joshua Mann  
 Joshua R. Simms PC  
 K. Jan Peterson Attorney at Law  
 Kenneth R. Boiarsky PC  
 Luebben Johnson & Barnhouse LLP

Mary E. Walta PC  
 Ray Sage Law Firm PC  
 Sherry Jean Tippett  
 Sheryl L. Saavedra LLC  
 The Krupnik Law Firm  
 Thompson Rose & Hickey PA  
 Timothy A. Vollman  
 Vera Ockenfels  
 Vigil Law Firm  
 Witter Tidmore Attorney at Law PC

**IOLTA Welcomes  
 New Banks**

**•**  
**First Savings  
 Bank,  
 Alamogordo**

**•**  
**Roswell National  
 Bank, Roswell**



**July 31**

2nd Quarter IOLTA Reports Due

**August 15**

CCV Board Meeting

**September 3**

Office Closed. Labor Day

**October 1**

IOLTA Grant Applications Available, Mock Trial Registration Opens

**October 31**

3rd Quarter IOLTA Reports Due

**November 1**

IOLTA Grant Applications Deadline

**November 2**

Mock Trial Case Published Online

**November 9 & 10**

Mock Trial Training

**November 22 & 23**

Office Closed. Thanksgiving

**November 29**

IOLTA Grant Committee Meeting

**December 19**

CCV Board Meeting

**December 31**

Mock Trial Registration Deadline



MOCK TRIAL REGISTRATION  
**OCTOBER 1**

MOCK TRIAL TRAINING  
**NOVEMBER 9 & 10**

Center for Civic Values  
PO Box 2184  
Albuquerque, NM 87103-2184  
Telephone · 505.764.9417  
Instate toll-free · 800.451.1941  
Fax · 505.242.5179  
Email · [ccv@civicvalues.org](mailto:ccv@civicvalues.org)  
Web: [civicvalues.org](http://civicvalues.org)

Michelle Giger, President & CEO  
Anthony Gonzales, Treasurer & CFO

Nonprofit  
Organization  
US POSTAGE  
PAID  
Permit No. 1659  
Albuquerque, NM

