

December 12, 2014

Paul Killebrew
U.S. Department of Justice
Civil Rights Division - SPL
Paul.Killebrew@usdoj.gov

Scott Greenwood
Special Counsel for the City of Albuquerque
law@scottgreenwood.com

Re: Request for Information - Independent Monitor - Settlement Agreement Regarding the
Albuquerque Police Department

Dear Mr. Killebrew and Mr. Greenwood:

Retired Federal Judge Lorenzo F. Garcia and my law firm, Jones, Snead, Wertheim & Clifford, P.A., are interested in serving as the independent monitor for the settlement agreement regarding the Albuquerque Police Department. With this letter you will find two sets of documents: (1) an Executive Summary and Methodology; and (2) resumes identifying the qualifications of Judge Garcia, the firm, and the personnel who would serve on the initial independent monitor team.

We have attempted to address our qualifications in applicable areas as called for on page 4 of your October 31, 2014, Request for Information, in the two sets of documents we submit.

Thank you for the opportunity to submit in response to your Request for Information. Please do not hesitate to write, email, or call if you would like further information or if you wish to have further discussion related to our response.

Respectfully, as always,

THE JONES FIRM



JERRY TODD WERTHEIM

Enclosures

cc: Judge Lorenzo F. Garcia

O. RUSSELL JONES (1912-1978)

JAMES E. SNEAD
JERRY WERTHEIM
JERRY TODD WERTHEIM
CAROL A. CLIFFORD

JOHN V. WERTHEIM
ROXIE P. DE SANTIAGO
SAMUEL C. WOLF
ELIZABETH C. CLIFFORD

ATTORNEYS AT LAW

Executive Summary and Methodology

The Department of Justice and the City of Albuquerque, in a collaborative effort to resolve significant issues and concerns relating to the Albuquerque Police Department, wisely chose to negotiate a resolution and enter into a settlement agreement of historical significance. The decree, which comes without judicial fact-finding or admission, provides the parties and the community with an opportunity for significant change intended to ensure a safer Albuquerque, a police department with professional skills and training second to none, and the protection of the civil and constitutional rights of all.

The Settlement Agreement imposes significant obligations on the City, and key to its enforcement is the appointment of an independent monitor to oversee compliance and to report to the federal court on whether and how the parties are adhering to their obligations.

Retired federal judge and former New Mexico district court and New Mexico Court of Appeals judge Lorenzo F. Garcia seeks appointment as the independent compliance monitor to ensure that the parties live up to their obligations under the Settlement Agreement. Judge Garcia, together with his former law firm Jones, Snead, Wertheim & Clifford, P.A., acting as his general counsel, will build a monitoring team that will best oversee compliance and, ultimately, effectuate the change in the culture of the Albuquerque Police Department envisioned in the Agreement.

Change lies at the core of the Settlement Agreement. The DOJ and the Albuquerque Police Department agreed that change must happen, but the monitor assures that change does happen. The monitor “will assess and report whether the requirements of [the] Agreement have been implemented, and whether this implementation is resulting in high-level, quality service; officer safety and accountability; effective, constitutional policing; and increased community

trust of APD.” Agreement, ¶ 294.

Judge Garcia and his attorneys do not offer a complete, “off-the-shelf” monitoring team, parts of which may not be right for the parties or for the job. Instead, Judge Garcia as monitor offers integrity, independence, and experience—the qualities of leadership necessary to assure that the reforms envisioned in this historic Settlement Agreement occur, and occur within a reasonable time. Judge Garcia’s attorneys, The Jones Firm, bring more than 50 years of experience, professionalism, and expertise to the monitoring process. The firm can assure that Judge Garcia has the legal advice, the subject matter experts, and the support he will need to succeed as monitor.

The appointment of an independent monitor with a general counsel will work best. Judge Garcia, working with The Jones Firm as his general counsel, will build a monitoring team that gains early support from the DOJ and the City. Judge Garcia will assemble his team piece by piece. He will seek input from DOJ and the City before a subject matter expert is selected. He will listen to the police officers and their labor representative. He will hear from the community and stakeholders.

This method maximizes the probability that the necessary reforms in the nine substantive areas identified in the Settlement Agreement will occur. It should minimize, or avoid altogether, the clashes over cost, conflicts of interest, and experts’ qualifications that stalled monitoring of some police settlement agreements in other cities. This approach, by taking into consideration the recommendation and views of the parties, is designed to result in the parties, community, and stakeholders accepting the monitor’s independent decisions.

Money being spent for the monitoring team comes from the public fisc, and Judge Garcia and his attorneys are committed to the wise and prudent expenditure of public funds to ensure

that his team is the best assembled, but at a reasonable expense. Judge Garcia and the Jones Firm will select experts based on ability, efficiency, and economy. The Jones Firm has routinely assembled expert teams in dozens of areas in its decades of state and federal litigation. Then, as Judge Garcia has done tens of thousands of times, he will listen to those with a stake, and he will decide. A team of experts will coalesce that has the support of the parties, and the hard work of reform will begin.

Delay only preserves an unacceptable status quo. The parties' intended the Settlement Agreement to change a culture. Judge Garcia and his attorneys propose a method that moves with pace to the work of reform. They present the best choice to assure that the Settlement Agreement progresses in a reasonable time from promise to reality.

I. Integrity

Judge Garcia's distinguished career demonstrates the integrity that will assure that the Court, the parties, and the community trust the monitor. Only with integrity will the monitor ensure that the parties live up to the responsibilities and obligations in the Settlement Agreement. Integrity creates credibility, and credibility creates meaningful reform.

Judge Garcia retired from the United States District Court in January 2014 after a judicial career that spanned 37 years. He has extensive experience as a general jurisdiction trial judge, as a judge of New Mexico's intermediate Court of Appeals, as a Designated Justice of the New Mexico Supreme Court, and finally, for more than 22 years as a Federal Magistrate Judge with the United States District Court for the District of New Mexico.

During his judicial career, he has been noted for integrity, good judgment, and professionalism. While a United States Magistrate Judge, Judge Garcia received the State Bar's Outstanding Judicial Service Award, which reads, in part, "Judge Garcia is known throughout

the state for his integrity, intellect, compassion and productivity.” The National Hispanic Bar Association honored him with a medal presented by United States Supreme Court Justice Anthony Kennedy for his “commitment to the preservation of civil and constitutional rights for all Americans.” The Mexican-American Legal Defense and Education Fund honored him with its Justice award. The Albuquerque Bar Association has named him “Outstanding Judge,” and the American Board of Trial Advocates named him “Outstanding Federal Jurist.” On the national stage, he is a highly respected jurist and speaker who teaches law, legal procedure, ethics, and professionalism at continuing legal education programs, bar conferences, and legal workshops throughout the United States.

With Judge Garcia appointed as monitor and with his lawyers in place, he can move to identify and retain subject matter experts. Judge Garcia’s judicial integrity will carry over to his role as monitor and will aid in getting agreement on subject matter experts. The DOJ and the City will view him as a credible neutral with no financial or personal interest in any particular subject area expert. Judge Garcia will choose subject matter experts that have two core traits: 1) The expert must be able to do the job with the integrity that Judge Garcia himself brings to the role of monitor, and 2) the expert must be able to do the work competently and efficiently.

Because Judge Garcia will attempt to obtain agreement of the parties, and take input from officers and the community on subject matter experts individually, he can respond to concerns flexibly and quickly. He can identify and propose new subject matter experts to break impasses between the parties. Judge Garcia can use his substantial experience as a mediator in the federal court to reach agreement.

The City, its police officers, and the community must all believe in the integrity of the monitor if they are to believe in the reforms of the Settlement Agreement. Most important, they

must believe in the integrity of the monitor if they are to participate in the genuine reform contemplated by the Agreement.

II. Independence

Judge Garcia will be independent but with a deep understanding of Albuquerque, its place in New Mexico, and the role of the APD in the lives of New Mexicans. His independence stands alongside his integrity as a reason to choose him as monitor. As a long-time judge, he understands that independence is a hallmark of fairness.

Independence does not mean isolation. Albuquerque is a big city in a small state, and the City, the officers, and the community will respond best to Judge Garcia as monitor, a New Mexican who is respected by the parties and the stakeholders.

Some will say that the monitor must come from out of state; otherwise, the Settlement Agreement will not lead to real reform. The appeal of an out-of-state monitor is understandable: the community will fear that a local monitor, subject to local influence, will not press for compliance with the Settlement Agreement. With Judge Garcia, however, the concern is misplaced. Judge Garcia's integrity and independence, and the widespread respect he enjoys in the community as a former judge, will carry forward to his performance of the job of monitor. He will not be swayed by bias toward or against any party, just as he was known for his exemplary independence and professionalism as a state and federal judge.

That is not to say that the Settlement Agreement will not require national expertise. Subject matter experts in many areas may well come from out-of-state, avoiding insularity. Judge Garcia will manage these experts with the independence of the monitor as his touchstone, and The Jones Firm knows the day-to-day process of selecting and managing experts from across the country. Judge Garcia as the leader of the monitoring team must inspire the City, the APD

officers and management, and the community itself to believe that the monitor is independent but also cares about Albuquerque and the success of the Settlement Agreement.

Judge Garcia as a retired New Mexico judge can inspire compliance. He has independence and local credibility. He knows federal constitutional law and local needs. His brand of independence provides the leadership to inspire his fellow New Mexicans to comply and to change. In the end, the culture change contemplated in the Settlement Agreement must come from within—it cannot be imposed. Judge Garcia has the independence and integrity to inspire organic change.

III. Experience

Judge Garcia's depth and breadth of experience as a trial court and appellate judge give him the tools to do the job of monitor. The national guidelines for a monitor describe Judge Garcia's qualities: someone with intelligence, intellectual curiosity, legal acumen, and excellent judgment. Judge Garcia's many years of experience on the bench means he understands the constitutional and legal issues that will arise in the course of monitoring the Settlement Agreement. He comprehends the needs of the community and the APD, as guided by the law.

Judge Garcia's experience, however, goes beyond these intellectual qualities. He has the practical skill to assimilate the large quantities of data that monitoring will generate. He is well organized: parties and the bench know that he produces decisions and orders on time. His docket has always been current. The productivity required of the monitor will be a continuation of his productivity on the bench.

Judge Garcia will rely on The Jones Firm to turn his experience into effective monitoring. He trusts the firm because he knows that the lawyers and staff there share the intellectual and practical skills that have made him a successful judge. Judge Garcia understands that the job of

monitor requires a team approach and that he and The Jones Firm work well as a team.

The Jones Firm itself possesses experience that makes it qualified to act as Judge Garcia's general counsel. The firm has handled complex litigation successfully for years—cases with thousands of documents and complicated facts. Whether handling a qui tam case, a corporate internal investigation, or a document-driven criminal or civil case, The Jones Firm acts as a team. The firm uses the latest technology and a skilled staff to take on tasks usually reserved for much larger firms, and to do them well.

The Jones Firm is one of New Mexico's leading constitutional, public sector, and labor law litigators. The firm understands the constitutional and public employee labor law issues inherent in reforming a municipal police force. It understands search and seizure law, civil rights law, and the law of municipalities. The Jones Firm's expertise is such that the City of Albuquerque has twice entrusted important constitutional issues to it: once, when Judge Garcia was a Director and Vice-President at the firm, to reform the City's minority set-aside contracting program to conform with the constitutional standards announced in the United States Supreme Court's City of Richmond case; and a second time to defend the City's fair share, agency fee resolution against a First Amendment challenge.

In sum, Judge Garcia and his lawyers have unique experience that will most readily bring real, lasting reform to APD.

IV. Method for Retaining Subject Matter Experts and Managing the Team.

Judge Garcia's and the Jones Firm's methodology will follow these steps:

- Upon agreement of the parties and appointment by the Court, the team will assemble a preliminary budget based on consultation with the parties about the subject matter experts needed and staffing needs. This budget will permit the selection and

identification of subject matter experts.

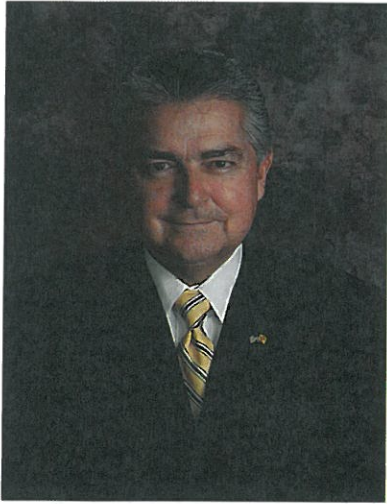
- The monitor will assemble a roster of subject matter experts, starting with the subject matter experts who respond to the ROI. If need be, the monitor will identify and propose subject matter experts from outside that pool upon consultation with the parties, a process contemplated in the Settlement Agreement. The goal will be to get agreement on subject matter experts early and to resolve any disagreements, if possible, by immediate negotiation. The monitor and his attorneys will also meet for input with the police officers' union and community groups interested in giving input about the selection of experts. The monitor and his attorneys will interview and present experts until we have the proper team put together. This should prove flexible and responsive to the parties' and community needs.
- Once the parties agree on the subject matter experts, the monitor and his counsel will consult with the parties to create a master timetable and budget based upon the obligations and deadlines in the Settlement Agreement. Again, the parties will have the main input on the timetable and budget, but the monitor and his counsel will also consult with the police officers' union and community groups during this process.
- This monitoring team will be prepared then to do the work of the monitor under the Settlement Agreement. The monitor will have an office in Albuquerque, which The Jones Firm will assist in setting up and staffing. The Jones Firm can have an onsite presence in the office. Team member Roxie De Santiago lives in Albuquerque and can take the lead in being liaison there. The Jones Firm's office in Santa Fe has the infrastructure to manage the work of report generation, data collection, and expert reporting. We will create a technical link between the monitor's office in

Albuquerque and The Jones Firm's Santa Fe office to allow seamless workflow.

V. Conclusion

We believe this proposal for an independent monitor presents the most effective template for genuine change, as the Settlement Agreement demands. Judge Garcia's qualities of integrity, independence, and experience make him the ideal monitor.

THE HONORABLE LORENZO F. GARCIA



Lorenzo F. Garcia was appointed to the State district court in July 1978, and, at age 30, was the youngest general jurisdiction trial judge ever appointed in New Mexico, and among the youngest ever appointed in the country. During his second term on the State district bench, he was selected by his judicial colleagues to serve as the district's Presiding Judge. He was elevated to the New Mexico Court of Appeals and has extensive service on the New Mexico Supreme Court as a designated justice of that court. He was appointed to the United States District Court in 1992, and currently serves as the district's Chief Magistrate Judge Emeritus.

Prior to his appointment to the U.S. District Court in 1992, he was a partner with the prestigious Jones law firm in Santa Fe, where he worked primarily in the area of complex litigation, representing plaintiffs and defendants. He served as constitutional counsel to the City of Albuquerque and special counsel to the New Mexico House of Representatives.

During his extensive judicial career, which spans 36 years, Judge Garcia received numerous awards and citations for his legal work, scholarship and contributions to the law. The State Bar of New Mexico selected him as the state's "Outstanding Lawyer." He received the Edith Sorgan Memorial Award for outstanding support to victims of violent crime. The National Hispanic Bar Association honored him with a medal presented by United States Supreme Court Justice Anthony Kennedy, for his "commitment to the preservation of civil and constitutional rights for all Americans" and he was honored by the Mexican-American Legal Defense and Education Fund with its "Justice" award. He was honored by the bench and bar of the 1st Judicial District for exemplary judicial service and received the District's "Dedication to Justice" award. Judge Garcia was commended for "outstanding and distinguished service" by the New Mexico Court of Appeals and New Mexico Supreme Court.

In June 1996, while serving as a United States Magistrate Judge, he received the State Bar of New Mexico's "Outstanding Judicial Service Award," which reads in part, "Judge Garcia is known throughout the State for his integrity, intellect, compassion and productivity." In 2005, he was selected by the Albuquerque Bar Association as the "Outstanding Judge," and, again, in 2007, was honored by the American Board of Trial Advocates as the "Outstanding Federal Jurist."

He has also served on numerous Supreme Court and legislative committees as chairperson or member, including the Uniform Jury Instruction Committee (Civil), the Professional Responsibility Committee, the Children's Code Task Force, The Certified Court Reporters Board, The Bar, Bench, Media Committee, The Juvenile Justice Study Committee, Judicial Personal Grievance Committee, Magistrate Court Study Committee, Death Penalty Issues Committee, Federal Rules Revision Committee, and the Federal Court Technology Committee.

Judge Garcia is active in the teaching of law. He served as the clinical program coordinator and instructor for the University of New Mexico School of Law Judicial Extern Program from 1978 to 1988, and served on the teaching faculty of the National Judicial College at the University of Nevada. He was a charter faculty member of New Mexico's Magistrate Judicial College, and is presently on the visiting faculty of the Department of Justice's National Advocacy Center at the University of South Carolina. He is a nationally known speaker, lecturer and presenter in continuing legal education programs and seminars throughout the United States.

He contributed time and talent to numerous civic, charitable and educational boards, including, among others, service as a trustee for the College of Santa Fe, member of the New Mexico Museum Foundation, board member of the Legal Services Corporation and the Santa Fe Legal Aid Society.

JONES, SNEAD, WERTHEIM & CLIFFORD, P.A.

THE JONES FIRM TEAM BRINGS THE FOLLOWING EXPERIENCE AND EXPERTISE:

Founded in 1948 in Santa Fe, The Jones Firm (Jones, Snead, Wertheim & Clifford, P.A.), is a professional association that has prosecuted some of the most notable and complex cases in New Mexico's history. Because of its continuous practice for more than fifty years, The Jones Firm has appeared before an array of state and federal courts, and state and local administrative bodies. In handling complex cases, The Jones Firm uses the team approach. The Jones Firm employs seven attorneys, two paralegals and a full support staff capable of handling the most complex cases. The significant cases noted below are examples of the firm's extensive practice.

REPRESENTATION OF PUBLIC ENTITIES

The Jones Firm's team members have represented public bodies in the following matters:

- Special Assistant Attorneys General by appointment of the New Mexico Attorney General, in two securities cases representing the New Mexico Public Employee Relations Board, Educational Retirement Board and the State Investment Council and obtaining gross settlements of \$36.7 million for these clients, *In Re WorldCom, Inc. Securities Litigation*, United States District Court for the Southern District of New York, Master File No. 02 Civ. 3288 (DLC) and *New Mexico Educational Retirement Board et al v. AOL-Time Warner Inc. et al*, United States District Court for the District of New Mexico, No. Civ.-06-122 (LH LAM).
- New Mexico Department of Taxation and Revenue in a severance tax case involving Shell and Hess, with the result that one company settled at trial and the other settled after TRD's successful trial and appeal, *Hess Corp. v. New Mexico Taxation and Revenue Department*, 2011-NMCA-043 (Ct. App. 2011).
- New Mexico Supreme Court in defending the New Mexico Judicial Standards Commission in a removal action.
- New Mexico Supreme Court on matters of import to the Court in legislation proposed before the New Mexico Legislature.
- New Mexico Governor, the firm assisted, on a pro bono basis, in drafting the New Mexico Gross Receipts and Compensating Act and Tax Administration Act.
- New Mexico Finance Authority in a bond matter.
- Harding and Union Counties in bringing a state court proceeding for collecting property taxes on gathering lines, recovering several hundred thousand dollars and obtaining future relief and tax benefits to the counties.

- City of Albuquerque as policy counsel on the city's affirmative action program.
- City of Santa Fe, defending the Living Wage Ordinance against a constitutional challenge, *New Mexicans for Free Enterprise v. the City of Santa Fe*, 2006-NMCA-007 (Ct. App. 2005).

SUBSTANTIAL EXPERIENCE WITH COMPLIANCE, REPORTING AND ENFORCEMENT MATTERS

The Jones Firm has extensive experience representing regulated entities before administrative bodies and the courts of New Mexico in compliance matters, rulemakings, and administrative adjudications. The firm's clients have included the following entities that are subject to state regulation:

- Public Service Company of New Mexico;
- New Mexico Mutual Casualty
- Valor Telecom;
- Sacred Wind Communications, Inc.;
- tw telecom of new mexico, llc;
- Level 3 Communications, LLC;
- Doña Ana Mutual Domestic Water Consumers Association;
- El Castillo Retirement Residences;
- El Centro Family Health; and
- Guadalupe Credit Union.

As part of its representation of these clients, The Jones Firm Team has

- Reported to regulators on compliance with laws and regulations;
- Developed language for proposed new rules and regulations;
- Challenged unlawful actions of administrative bodies before the district courts, New Mexico Court of Appeal and New Mexico Supreme Court;

SUBSTANTIAL CONSTITUTIONAL LAW EXPERTISE

The Jones Firm brought or defended the following cases for its clients raising important constitutional issues (the list is not exhaustive):

- *Wessel v. City of Albuquerque*, 299 F.3d 1186 (10th Cir. 2002) and *Harrington v. City of Albuquerque*, 329 F. Supp.2d 1237 (D.N.M. 2004); represented AFSCME in coordination with the City of Albuquerque in defending the City's fair share resolution against a 1st Amendment challenge.

- *State ex rel. Sandel v. N.M. Public Utility Commission*, 1999-NMSC-19 (1999). The Jones Firm successfully represented a bipartisan group of New Mexico representatives and senators seeking an original writ asserting that the New Mexico Public Utility Commission had violated the separation of powers provision in the New Mexico Constitution by deregulating the electric power industry.
- *tw telecom of new mexico, l.l.c. v. N.M. Public Regulation Commission*, 2011-NMSC-029 (2011). The Jones Firm successfully represented tw telecom of new mexico, llc. The Supreme Court set forth fundamental principles of procedural due process for administrative adjudications.
- *National Education Association-New Mexico v. Skandera*, D-101-CV-2014-02153. Challenge to current teacher evaluation regulations on separation of powers grounds.
- *AFSCME v. New Mexico*, D-202-CV-2009-7148. Challenging statute that diminished PERA fund and ERB funds on takings grounds.

ACTIVE ENGAGEMENT WITH COMMUNITY OR LEGAL ORGANIZATIONS

The Jones Firm has provided pro bono representation to the following:

- Hispanic Roundtable of New Mexico, Somos Un Pueblo Unido, Mexican American Legal Defense & Education Fund, Santa Fe Partnership for Social Justice, New Mexico Federation of Labor, AFL-CIO, National Education Association-New Mexico, Democratic Party of Santa Fe County, Green Party of Santa Fe County, Coalition for Equality in New Mexico, Hunger-Poverty Network of Northern New Mexico, New Mexico Human Needs Coordinating Council, and New Mexico Public Health Association in litigation to support Santa Fe's Living Wage Ordinance.
- The Most Reverend Michael J. Sheehan, The Most Reverend Donald E. Pelotte, The Most Reverend Ricardo Ramirez, The Reverend Christine Robinson, William Sortino, Dorelen Bunting, The Reverend Wallace Roy Ford, Rabbi Joseph R. Black, Bruce Rolstad, The Reverend Earl Harvey and Alex Romero, Jr., in a petition for superintending control or mandamus to the New Mexico Supreme Court on a constitutional challenge to the manner in which jurors are selected to serve in capital cases.
- Team member has acted as co-chair of the New Mexico Criminal Defense Lawyers Amicus Committee, where he wrote or supervised the writing of numerous amicus briefs

before the New Mexico Court of Appeals and New Mexico Supreme Court in a wide variety of criminal cases.

- The New Mexico Hispanic Bar Association on corporate matters.

INTERNAL INVESTIGATIONS WITH AN INDEPENDENT ROLE, QUALITATIVE ASSESSMENT

The Jones Firm's team members have handled independent internal investigations, which involved qualitative assessment of performance, including the following:

- Independent investigation for a major company related to regulatory action.
- Internal investigation of discrimination allegations against a major corporation.
- Independent representation of corporate executives in internal and federal investigations of financial issues.
- Independent representation of public officials in internal and federal financial investigations.
- Representation of corporations in internal and federal investigations of Securities and Exchange Commission, Veterans Administration and state Medicaid compliance issues.
- Representation of Los Alamos National Laboratory executives and technical staff in internal investigations involving complex national security rules.

PRODUCTION OF PUBLIC REPORTS

Team members were co-chairs and members of the State Bar Association Task Force on the Administration of the Death Penalty. The Task Force engaged in a multi-year study of the state capital punishment system, reported regularly to the Board of Bar Commissioners, and drafted a report to the Bar that made major recommendations for reform. The Jones Firm served as principal drafter of the report.

A COMMITMENT TO THE HIGHEST ETHICAL STANDARDS OF THE LEGAL PROFESSION

The Jones Firm team members are leaders in their profession and have been active in numerous professional organizations:

American Law Institute;
New Mexico Chapter of the American Board of Trial Advocates;
United States District Court, District of New Mexico, First Advisory Group formed under the Civil Justice Reform Act of 1990;

United States District Court, District of New Mexico, Bar Association;
New Mexico State Bar Association Task Force To Study The Administration Of The
Death Penalty;
New Mexico State Bar Association Advisory Opinions Committee on Ethical Issues;
New Mexico Supreme Court Rules of Evidence Committee;
New Mexico Supreme Court Rules of Criminal Procedure Committee;
New Mexico Supreme Court Children's Court Rules Committee;
New Mexico Criminal Defense Lawyers Association;
New Mexico Trial Lawyers Association;
New Mexico Hispanic Bar Association;
National Hispanic Bar Association; and
National Organization of Lawyers for Education Associations.

JERRY WERTHEIM

Jones, Snead, Wertheim & Clifford, P.A. (1965 to present)
Shareholder and President.

Professional Affiliations

- New Mexico State Bar Association, Advisory Opinions Committee on Ethical Issues, chair (1968 to 1976).
- New Mexico Chapter of the American Board of Trial Advocates – requiring adequate number of civil jury cases to verdict for admission.
- American Law Institute, life member – Publisher of the *Restatements of Law* and *Amendments to Uniform Laws*; have participated in the preparation of the most current *Restatements of Employment Law* and *Law Governing Lawyers* and *Amendments to the Model Penal Code in Reference to Capital Cases*.
- Member of First Advisory Group, United States District Court, District of New Mexico under Civil Justice Reform Act of 1990; named by Chief Judge of the United States District Court of New Mexico as a member of that group for drafting a plan for expediting civil cases at the least expense to litigants.
- At the suggestion of U. S. District Judge James A. Parker, formed the Bar Association for the United States District Court for New Mexico to continue the monitoring of the plan developed by the Advisory Groups after the expiration of the statutory authority for the Advisory Groups; first President of that Association.

Legal Compliance and Enforcement Experience

Served as Team Leader on the following cases:

- PNM, a New Mexico listed corporation, engaged The Jones Firm as counsel to evaluate proposed regulatory actions and report to the Board of Directors, and, after approval, before the regulatory body.
- Engaged by New Mexico state legislators to challenge the order of the New Mexico Public Utility Commission in its deregulating the electrical industry in New Mexico. Successfully set aside the order by demonstrating to the Supreme Court of New Mexico that the order violated the “separation of powers” clause in the New Mexico Constitution.

Representation of Public Entities

Jerry represented public entities in the following matters:

- Assistant Attorney General (1964-1965) representing the predecessor agency to the New Mexico Taxation and Revenue Department. Also represented the same agency after going into private practice.
- Member of team which drafted the New Mexico Gross Receipts and Compensating Tax Act and the Tax Administration Act; periodic reporting to the Governor on status and final draft.
- Appointed by the New Mexico Supreme Court to defend the New Mexico Judicial Standards Commission; Justice being investigated for removal challenged the constitutionality of that body; after successful defense, Justice resigned.
- Represented the New Mexico Supreme Court before the New Mexico legislature for several years on the issues which the court “determined significant” requiring periodic reports to that court.
- Appointed by New Mexico Supreme Court to the first Committee on Rules of Evidence (1972 to 1993) which drafted the New Mexico Rules of Evidence adopted by the Supreme Court; periodic reports to the Supreme Court with a final report recommending adoption.
- Appointed by the New Mexico Supreme Court to the Committee on the Rules of Civil Procedure (one term).
- Represented the State Investment Council, Public Employees Retirement Association and Educational Retirement Board in securities litigation (see firm summary above).
- Represented the New Mexico Finance Authority (see firm summary above).
- Represented the City of Albuquerque as policy counsel, with other partners, on the city’s affirmative action program.
- Represented Harding and Union Counties in severance tax litigation against BP-Amoco and Hess (see firm summary above).

Complex Litigation and Alternative Dispute Resolution Experience

For a list of Jerry’s relevant, reported cases, please see Attachment A.

Jerry served as Team Leader on the following cases:

- *United Nuclear Corporation v. General Atomic Company*, an antitrust case with The Jones Firm representing plaintiff. Resulted in largest settlement in New Mexico at the time for a single plaintiff in an antitrust case.
- *Amoco Production Co. v. Heimann*, a breach of a mineral lease representing landowner against Amoco; took over case at request of attorney representing plaintiff and successfully tried the case within six months of entering appearance. Prevailed at district court, but reversed on appeal.
- *McKinney v. Gannett Co., Inc. and The New Mexican*, breach of contract case with The Jones Firm representing The New Mexican; tried for sixty trial days before a jury with several appeals; settled case.
- *In Re the Estate of Georgia O’Keeffe*, represented a contestant of the Georgia O’Keeffe will; Estate valued at approximately \$80 million principally in artwork; settled case just before trial with majority of artwork going to museums and non-profit organization, not the individual beneficiary.
- Served as a team advisor for developing the basis for successfully prosecuting *Brewer v. Southern Union Gas Co.* and client contact for NEA-NM members serving as representative plaintiffs; a class of natural gas customers in New Mexico brought an antitrust suit against various natural gas companies; after the successful trial on liability, case was settled. At the time, was largest class action settlement involving only New Mexico class members.

Public Sector Employment Experience

- Since 1968, The Jones Firm has represented the members of the National Education Association-New Mexico (“NEA-NM”). Jerry Wertheim started the firm’s representation of NEA-NM and has been active over the years. Over that time, NEA-NM’s membership has varied from 6,000 to 10,000 members throughout New Mexico. A large number of those members have been located in Albuquerque and the metropolitan area of Albuquerque. This representation has involved hundreds of cases before local bodies, state regulatory bodies, state and federal district courts and appellate courts. The cases require review and analysis of facts for application of state law and regulations, local policies and the United States and New Mexico Constitutions.

Criminal Law Expertise

- Have handled as defense lawyer a substantial number of felony criminal cases, including a capital case; most of those cases were in state court with some in federal court; was successful in quashing many search warrants for failure to comply with the United States Constitution.

Education

- Stanford, Honors at Entrance, 1956-1958, and University of New Mexico, 1958-1960, B.A. with University Honors in 1960
 - Awarded the UNM Distinguished Alumni Recognition for a person graduating with history major, May, 1989
- Georgetown Law Center, LL.B. in January, 1964
Georgetown Law Journal, member and published case note on due process of law in federal adjudicatory proceedings.

Honors

- Martindale Hubbell peer rating of A-V Preeminent.

JERRY TODD WERTHEIM

Jones, Snead, Wertheim & Clifford, P.A. (1993 to present)
Shareholder and Chief Operating Officer

Criminal and Constitutional Law Expertise and Experience With Complex Litigation

Todd is one of New Mexico's most experienced trial lawyers, in both the criminal and civil arenas. He also has extensive appellate experience, with over twenty reported New Mexico opinions. For a list of Todd's relevant, reported cases, please see Attachment B.

Todd is an experienced litigator, and has handled complex civil litigation throughout his career. Here are some of the relevant cases he handled:

- *State v. Werner*, 1990-NMCA-019 (Ct. App. 1990), dealing with the rights of mentally ill defendants under statute that permits civil proceedings for persons found guilty but mentally ill.
- *State v. Cordova*, 1989-NMSC-083 (1989), early New Mexico case deviating from federal 4th Amendment standards on state constitutional grounds.
- *State v. Ybarra*, 1990-NMSC-109 (1990), standards for custodial interrogation when police officer present during questioning for purposes of medical treatment.
- *New Mexicans for Free Enterprise v. The City of Santa Fe* (see firm summary above).
- *State ex rel. Sandel v. New Mexico PUC* (see firm summary above).

Other Criminal Law and Constitutional Law Expertise:

- Assistant Appellate Defender and Assistant Public Defender, New Mexico Public Defender Department, 1988-1993.
- Wrote "Grand Jury and Preliminary Hearing Practice", New Mexico Criminal Practice Manual.
- Co-Chair of the New Mexico State Bar Task Force to study the administration of the death penalty;
- Amicus Co-chair of the New Mexico Criminal Defense Lawyers Association;
- National Business Institute (faculty member), "School Law in New Mexico" 2000, on the constitutional rights of public school teachers and Supreme Court Employment law developments.
- Panel member, Bar Association of the United States District Court for the District of New Mexico, *Daubert* and *Kumho* developments, July 2000.
- Past member of the New Mexico Supreme Court Rules of Criminal Procedure Committee.
- Past member of the New Mexico Supreme Court Committee for Improvement of Jury Service.
- Past member of the New Mexico Children's Court Rules Committee.

Engagement With Community Organizations and Pro Bono Service

- Todd represented, along with other dedicated counsel, many New Mexico religious leaders in a writ petition before the New Mexico Supreme Court to protect the religious rights of potential jurors in death penalty cases (see firm summary above).
- Todd represented the Democratic Party of New Mexico in a writ petition before the New Mexico Supreme Court to attempt to increase ballot access for minorities and the elderly.
- Todd has represented many community and immigrants' rights groups as *amicus curiae* in litigations to support the Living Wage Ordinance passed by the City of Santa Fe (see firm summary above).

Public Sector Employment Representation

- Todd serves as outside general counsel to NEA-NM educators' union, where he has litigated due process and 1st Amendment issues, and advised numerous public employees on 5th Amendment rights in the workplace; and
- Todd has represented the American Federation of State, County and Municipal Employees, the International Brotherhood of Electrical Workers, and the Service Employees International Union.

Other Relevant Experience

- Todd has represented clients in white-collar criminal defense cases.
- Investigated and brought major *qui tam* litigation involving federal construction material procurement regulations.
- Lead counsel in internal and federal investigations involving national security rules, corporate responsibility, Medicaid fraud allegations, SEC compliance, and financial matters.

Education:

- Stanford University (A.B., with distinction in English and honors in Humanities, 1984)
- New York University (J.D., 1988) Senior Articles Editor, New York University Review of Law and Social Change, 1987-1988.

Honors

- Martindale-Hubbell peer rating of A-V Preeminent.
- Southwest SuperLawyer.

CAROL CLIFFORD

Jones, Snead, Wertheim & Clifford, P.A. (1994 to present)
Shareholder and Vice President

Oversight and Enforcement of Consent Decrees

- As a law clerk to the Honorable William Wayne Justice (1988 to 1989), then-Chief of the United State District Court for the Eastern District of Texas, Carol was the Court's liaison to the parties and Special Master in *Ruiz v. Estelle*, 503 F. Supp. 1265 (D.C. Tex. 1980), the Texas statewide prison conditions litigation. In this capacity, Carol investigated issues raised by the parties and the Special Master to advise Judge Justice.
- As an associate at the law firm of Rothstein, Bennett, Daly, Donatelli and Hughes (1989 to 1991), Carol was responsible for day-to-day representation of plaintiffs in this prison conditions litigation, *Duran v. Carruthers*, 678 F. Supp. 839 (D.N.M. 1988). Carol drafted substantial pleadings for the plaintiffs addressed to the State's compliance with terms of the consent decree. Carol had regular contact with members of the plaintiff class and made on-site investigations of conditions at the minimum, medium and maximum security facilities in Santa Fe.

Legal Compliance and Constitutional Law

- Carol successfully represented tw telecom of new mexico, llc before the New Mexico Supreme Court in *tw telecom of new mexico, l.l.c. v. N.M. Public Regulation Commission*, 2011-NMSC-029 (2011), in which the Supreme Court set forth fundamental principles of procedural due process for administrative adjudications.
- Carol was part of the Jones Firm team representing Public Service Company of New Mexico before the New Mexico Supreme Court in *State ex rel. Sandel v. N.M. Public Utility Commission*, 1999-NMSC-19 (1999). The case established important principles of administrative law related to constitutional separation of powers and primary jurisdiction.

Practice Before Local and State Governmental Entities

- For more than 20 years, Carol has appeared in rulemakings, certifications and contested adjudications before the New Mexico Public Regulation Commission and other regulatory bodies related to telecommunications, electric power, and water rights.

- Carol has represented regulated energy and telecommunications companies including Sacred Wind Communications, Inc., tw telecom of new mexico, llc, Valor Telecom, Level 3 Communications, LLC, and Public Service Company of New Mexico. These matters included complex compliance filings, rulemakings, and administrative adjudications.
- Carol has appeared before or worked with local governing bodies in Bernalillo County, Santa Fe County, Rio Rancho, Albuquerque, and Santa Fe in matters involving property taxation, franchise agreements, and permitting.

Other Relevant Experience

- Carol successfully represented the Doña Ana Mutual Domestic Water Consumers Association before the New Mexico Court of Appeals where another water utility alleged violations of the New Mexico Antitrust Act. *Moongate Water Co., Inc. Doña Ana Mutual Domestic Water Consumers Ass'n*, 2008-NMCA-143 (Ct. App. 2008).
- Office of the Attorney General, Special Prosecutions Division, Assistant Attorney General, February 1991 to September 1992. Primary responsibility for prosecution of the Guadalupe Credit Union case resulting in convictions of three former officials, upheld on appeal. *State v. Montoya*, 1993-NMCA-097 (Ct. App. 1993) (cert. denied Oct. 13, 1993). Tried cases involving racketeering, fraud, embezzlement, and drug conspiracy. Conducted grand jury proceedings, including a homicide investigation.

Education

- New York University, New York, New York; J.D. Received in May 1988; Honors: Editor-in-Chief, *NYU Review of Law and Social Change*, 1987 to 1988.
- Yale University, New Haven, Connecticut; B.A. Economics, *cum laude*, May 1983
- United States Department of Justice, Washington, D.C.; Criminal Trial Advocacy, July 1991.

Honors

- Martindale-Hubbell peer rating of A-V Preeminent.
- Included in peer-selected *The Best Lawyers in America* survey in the areas of Energy Law (2009 to 2014) and Telecommunications Law (2013 to 2014).

ROXIE P. RAWLS-DE SANTIAGO

Jones, Snead, Wertheim & Clifford, P.A. (2004 to present)
Shareholder and Vice President

- Roxie represents NEA-NM member teachers before the Public Employee Labor Relations Board, the Public Education Department, and the New Mexico district courts and Court of Appeals on employment-related claims and licensure matters.
- Roxie also handles commercial litigation, civil rights, immigration, and other areas of law.

Management of Complex Cases and Criminal Matters

- Roxie served as liaison between the professional at the New Mexico Investing Agencies and the Attorney General's litigation team in the securities litigation, with major responsibility for the production of discovery from the agencies (see firm summary above).
- Roxie was part of the Jones Firm team that represented the AFSCME during the New Mexico State University organizing campaign. Roxie represented the union before local and state labor boards.
- Roxie has represented clients charged in criminal cases.

Other Relevant Experience

Student Prosecutor, *Bernalillo County District Attorney's Office*, Albuquerque, NM, August, 2003 to May, 2004

- Represented the State of New Mexico in prosecution of misdemeanor charges, including DWI and Domestic Violence in Bernalillo County Metropolitan Court.
- Represented the State of New Mexico in prosecution of Felony DWI matters in the Second Judicial District Court.

Professional Affiliations

- Past member of the Board of Directors and current member of the New Mexico Hispanic Bar Association;
- Past regional president and current member of National Hispanic Bar Association
- Fluent in Spanish.

Awards and Education

Peer-reviewed, Southwest SuperLawyers "Rising Star" for 2013 through 2015.

The University of New Mexico School of Law, Albuquerque, NM, May, 2004

Honor Roll

U.S. - Mexico Law Journal, Associate Editor, 2002-2003

Recipient of Dean's Award for Outstanding Contribution to Law School Community

Recipient of Top Honors for District Attorney Clinic

Board Member, Mexican American Law Student Association

1. State ex rel. Sandel v. New Mexico Public Utility Com'n

Supreme Court of New Mexico. March 15, 1999 127 N.M. 272 980 P.2d 55 25,523, 25,531, 25,532



ENERGY AND UTILITIES - Electricity. PUC order violated separation of powers.

...H. Payne , Albuquerque, NM, Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. **Jerry Wertheim** Arturo L. Jaramillo
Jerry Todd Wertheim Carol Clifford John V...

2. McKinney v. Gannett Co., Inc.

United States District Court, D. New Mexico. March 17, 1981 660 F.Supp. 984 CIV-78-630 C



Former owner of newspaper brought action against newspaper and corporation which purchased newspaper alleging breach of contract of employment and fraud, and seeking rescission of sale. The District Court, Campos, J., held that: (1) agreement whereby former owner was to be employed as editor-in-chief and retain control of newspaper...

...McCrary, Robert C. Bernius, Rochester, N.Y., Jones, Gallegos, Snead & Wertheim, **Jerry Wertheim** and John Wentworth, Santa Fe, N.M., Ortega & Snead, Albuquerque, N.M...

...Attorneys at Law P.O. Box 1888 Albuquerque, New Mexico 87103 **Jerry Wertheim**, Esq. Attorney at Law P.O. Box 2228 Santa Fe, New...

3. McKinney v. Gannett Co., Inc.

United States Court of Appeals, Tenth Circuit. April 29, 1987 817 F.2d 659 83-1821, 83-1822



Former owner of newspaper brought action against corporation which purchased newspaper after sale alleging breach of contract of employment, and seeking rescission of contract of sale. The District Court entered judgment in favor of former owner, and allowed former owner to elect rescission 60 days after judgment became final, and all...

...brief), for defendant-appellant Gannett Co., Inc. Stephen L. Tucker, (**Jerry Wertheim** was also on the brief) Jones, Gallegos, Snead & Wertheim, Santa...

4. McWood Corp. v. State Corp. Commission of N. M.

United States District Court D. New Mexico. January 22, 1965 237 F.Supp. 963 1965 WL 154967 CIV. 5820



Suit to enjoin enforcement of order of State Corporation commission of New Mexico which held that corporation was in business of transporting crude oil by motor vehicle for hire in both intrastate and interstate commerce and which ordered corporation to cease and desist therefrom until it acquired lawful authority. The three-judge District Court...

...Currey, Abilene, Tex., for plaintiff. Earl E. Hartley, Atty. Gen., **Jerry Wertheim**, Asst. Atty. Gen., and Wayne C. Wolf, Asst. Atty. Gen...

5. McKinney v. Gannett Co., Inc.

United States Court of Appeals, Tenth Circuit. December 09, 1982 694 F.2d 1240 35 Fed.R.Serv.2d 698 81-2156, 81-2180, 81-2181



Former owner of newspaper corporation brought action against corporation which purchased newspaper and against newspaper corporation after sale alleging breach of contract and seeking rescission of that contract. The United States District Court for the District of New Mexico, Santiago E. Campos, J., entered judgment on jury verdict finding...

...Rodey, Dickason, Sloan, Akin & Robb, Albuquerque, N.M., for plaintiff-appellant. **Jerry Wertheim**, Santa Fe, N.M. (Steven L. Tucker and H.R. Quintero, Santa...

6. Hayden v. Lee

Supreme Court of New Mexico. April 11, 1977 90 N.M. 272 562 P.2d 833 10790



Action was brought against school board which had refused to renew plaintiff's contract as elementary school principal. The District Court, San Juan County, Louis E. DePauli, J., found for defendants and plaintiff appealed. The Supreme Court, Sosa, J., held that State Department of Education rule stating regulations for termination of nontenured...

...1953 Comp. § 77-8-18. Jones, Gallegos, Snead & Wertheim, **Jerry Wertheim**, Steven L. Tucker, Santa Fe, for plaintiff-appellant. Caton & Hynes...

7. Penasco Independent School Dist. No. 4 v. Lucero

Court of Appeals of New Mexico. September 04, 1974 86 N.M. 683 526 P.2d 825 1305



At a termination hearing, a local school board found that funding for a teaching position was unavailable and that no other position was available for which a tenured teacher was qualified. The state board of education reversed, and the local board appealed. The Court of Appeals, Hendley, J., held that the board, which asserted no grounds personal...

...Charles S. Solomon, Solomon & Roth, Santa Fe, for plaintiff-appellant. **Jerry Wertheim**, Byron L. Treaster, Jones, Gallegos, Snead & Wertheim, Santa Fe, for...

8. George A. Rutherford, Inc. v. Gonzales

Supreme Court of New Mexico. February 28, 1966 75 N.M. 774 411 P.2d 751 7755



Action for refund or credit was brought by taxpayer who paid school tax under unconstitutional statute. The District Court, Santa Fe County, Robert W. Reidy, D. J., rendered judgment directing that taxpayer be given a refund or credit and commissioner appealed. The Supreme Court, Compton, J., held that where taxpayer challenged legality of school...

...Co., Inc. Earl E. Hartley, Atty. Gen., Joel M. Carson, **Jerry Wertheim**, Asst. Attys. Gen., Santa Fe, N. M., for appellant. COMPTON...

9. Watkins v. Local School Bd. of Los Alamos Schools

Supreme Court of New Mexico. September 04, 1975 88 N.M. 276 540 P.2d 206 9877



Teacher brought action against school board seeking injunctive relief and money damages because of defendants' refusal to reemploy her. The District Court, Los Alamos County, Santiago E. Campos, D.J., granted motion to dismiss and teacher appealed. The Supreme Court, Montoya, J., held that where dismissal 'without prejudice' in previous...

...1953 Comp. § 5-6-17. Jones, Gallegos, Snead & Wertheim, **Jerry Wertheim**, Santa Fe, Byron L. Treaster, Los Alamos, for plaintiff-appellant...

10. Langham v. Beech Aircraft Corp.

Supreme Court of New Mexico. November 18, 1975 88 N.M. 516 543 P.2d 484 10586



On certification from United States Court of Appeals, Tenth Circuit, of questions whether manufacturer of public conveyance could be held liable for damages where passengers died as result of defects in conveyance, and whether remedy provided by wrongful death statute against owner of public conveyance was exclusive remedy, the Supreme Court, Oman,...

...F. Kitts, Albuquerque, for appellees Frye. Jones, Gallegos, Snead & Wertheim, **Jerry Wertheim**, Steven L. Tucker, Santa Fe, for appellees. OPINION OMAN, Justice...

11. Jacobs v. Stratton

Supreme Court of New Mexico. August 20, 1980 94 N.M. 665 615 P.2d 982 12747



Nontenured university professor brought action against University Board of Regents, its members as individuals, former president, former vice-president for academic affairs and dean of college of business seeking damages for nonrenewal of his employment contract, basing his claim upon alleged deprivation of his rights under the First Amendment and...

...circumstances existed. 42 U.S.C.A. § 1988 Jones, Gallegos, Snead & Wertheim, **Jerry Wertheim**, Steven L. Tucker, Santa Fe, for petitioner. Sutin, Thayer & Browne...

12. Lenning v. New Mexico State Bd. of Ed.

Court of Appeals of New Mexico. May 07, 1971 82 N.M. 608 485 P.2d 364 545



Direct appeal from decision of the State Board of Education affirming refusal of local board to reemploy tenure teacher. The Court of Appeals, Hendley, J., held that, assuming local board's refusal was on grounds of unsatisfactory work performance, there was no substantial departure from State Board rule requiring prior conferences, where teacher...

...unfair. 1953 Comp. §§ 77-8-17 77-8-18 **Jerry Wertheim**, Jones, Gallegos, Snead & Wertheim, Santa Fe, for appellant. E. P...

13. State v. Richerson

Court of Appeals of New Mexico. March 12, 1975 87 N.M. 437 535 P.2d 644 1599



Defendant was convicted in the District Court, Santa Fe County, Santiago E. Campos, D.J., of homicide by vehicle while driving in reckless manner, and he appealed. The Court of Appeals, Sutin, J., held that results of blood alcohol test made by pathologist at police officer's request at time defendant was in hospital but not under arrest were...

...Comp. §§ 64-22-1, 64-22-3, subd. A. **Jerry Wertheim**, John Wentworth, Jones, Gallegos, Snead & Wertheim, P.A., Santa Fe, for...

14. Santa Fe Downs, Inc. v. Bureau of Revenue

Court of Appeals of New Mexico. April 20, 1973 85 N.M. 115 509 P.2d 882 1052



Appeal from decision and order of Commissioner of Revenue denying protest to assessment for state gross receipts and compensating tax, penalty interest, and county sales tax imposed upon licensed racetrack operator. The Court of Appeals, Wood, C.J., held that, in view of statute providing that designated taxes were to be paid in lieu of all other...

...licensees. 1953 Comp. § 60-6-9. Byron L. Treaster, **Jerry Wertheim**, Jones, Gallegos, Snead & Wertheim, Santa Fe, for appellant. David L...

15. Kirby v. New Mexico State Highway Dept.

Court of Appeals of New Mexico. January 19, 1982 97 N.M. 692 643 P.2d 256 5101



In suit for wrongful death of one passenger and for personal injuries suffered by another passenger in automobile, the District Court, Santa Fe County, Joseph E. Caldwell, D. J., rendered judgment against State Highway Department, awarded costs against SHD and refused SHD's request for offset, and SHD appealed. The Court of Appeals, Walters, C. J.,...

...P. A., Santa Fe, for defendant-appellant. Steven L. Tucker, **Jerry Wertheim**, Jones, Gallegos, Snead & Wertheim, P. A., Santa Fe, for plaintiffs...

16. Lux v. Board of Regents of New Mexico Highlands University

Court of Appeals of New Mexico. November 18, 1980 95 N.M. 361 622 P.2d 266 4285



A tenured professor of a university brought suit after nonrenewal of his contract as assistant academic dean and director of certain programs. The plaintiff prevailed as against one defendant, the person who had been university president, in the District Court, Santa Fe County, Lorenzo F. Garcia, D. J. Defendants appealed. The Court of Appeals,...

...Arturo G. Ortega, Michael D. Bustamante, Albuquerque, for defendants-appellants. **Jerry Wertheim**, John Wentworth, Steven L. Tucker, Jones, Gallegos, Snead & Wertheim, Santa...

17. Lucius v. State Bd. of Bar Examiners

Supreme Court of New Mexico. December 08, 1972 84 N.M. 382 503 P.2d 1160 9494



Applicant, seeking admission to the bar on motion, filed a petition to review adverse decision of the State Board of Bar Examiners, and alternatively sought admission on the Supreme Court's own authority. The Supreme Court, Montoya, J., held, inter alia, that rule permitting admission to the bar on motion only if applicant has engaged in the full...

...subd. C, par. 18(b). Edward Grimm Lucius, pro. se. **Jerry Wertheim**, Byron L. Treaster, Santa Fe, for respondent. OPINION MONTOKA, Justice...

18. State ex rel. Stratton v. Serna

Supreme Court of New Mexico. October 12, 1989 109 N.M. 1 780 P.2d 1148 18,638



Defendant in a criminal case filed a motion to quash the jury panel. The District Judge granted the motion. The State petitioned for a writ of superintending control. The Supreme Court, Baca, J., held that: (1) the statutory provision enlarging the jury pool to include citizens with drivers licenses takes effect 90...

...Defender, Santa Fe, for intervenor. Jones, Snead, Wertheim, Rodriguez & Wentworth, **Jerry Wertheim**, Steven L. Tucker, Lorenzo F. Garcia, Santa Fe, for Chama...

19. Board of Ed. of City of Albuquerque v. New Mexico State Bd. of Ed.

Court of Appeals of New Mexico. May 14, 1975 88 N.M. 10 536 P.2d 274 1758



Sixth-grade teacher was discharged from her employment as teacher in Albuquerque public school system. The local board of education sustained discharge, and teacher appealed. The State Board of Education reversed the local board of education and the local board appealed. The Court of Appeals, Hendley, J., held that decision with regard to whether...

...hearing officer. Graham E. Evans, Botts & Cole, Albuquerque, for appellant. **Jerry Wertheim**, Susan P. Graber, Jones, Gallegos, Snead & Wertheim, P.A., Santa Fe...

20. Alarid v. Secretary of New Mexico Dept. of Taxation and Revenue

Court of Appeals of New Mexico. June 07, 1994 118 N.M. 23 878 P.2d 341 13,887



Department of Taxation and Revenue appealed from an order of the District Court of Santa Fe County, Joe Cruz Castellano, Jr., D.J., granting taxpayer summary judgment and ordering Department to refund state income tax which taxpayers paid on their retirement incomes. The Court of Appeals, Flores, J., held that: (1) income tax...

...those functions or employees exerting those functions in other state. **Jerry Wertheim** Arturo L. Jaramillo Jones, Snead, Wertheim, Rodriguez & Wentworth, P.A., Santa...

21. Bogle Farms, Inc. v. Baca

Supreme Court of New Mexico. September 09, 1996 122 N.M. 422 925 P.2d 1184 21,259



Purchasers of state land and successors to other purchasers sought declaratory judgment that their installment contracts to purchase state trust lands did not reserve sand and gravel to state. Purchasers moved for partial summary judgment. The District Court, Santa Fe County, Steve Herrera, D.J., granted motion, and state appealed....

...Santa Fe, for Appellant. Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. **Jerry Wertheim** James G. Whitley Carol A. Clifford, Santa Fe, for Appellees...

22. Hess Corp. v. New Mexico Taxation and Revenue Dept.

Court of Appeals of New Mexico. January 20, 2011 149 N.M. 527 252 P.3d 751 28,967



TAXATION - Severance. Settlement of carbon dioxide royalty class action was adjudicatory event that triggered additional severance tax.

...Santa Fe, NM, for Appellee. Jones, Snead, Wertheim & Wentworth, P.A., **Jerry Wertheim** Jerry Todd Wertheim John V. Wertheim, Santa Fe, NM, for...

23. New Mexico ex rel. National Educ. Ass'n of New Mexico, Inc. v. Austin Capital Management Ltd.

United States District Court, D. New Mexico. November 09, 2009 671 F.Supp.2d 1248 2009 WL 4263336 CIV 09-0730 BB/KBM



GOVERNMENT - Jurisdiction. State was real party in interest in removed qui tam action.

...9 22-11-11 22-11-12 John V. Wertheim **Jerry Wertheim** Jerry Todd Wertheim Roxie P. Rawls-De Santiago, Jones, Snead...

24. N B S Corp. v. Valdez

Supreme Court of New Mexico. March 15, 1965 75 N.M. 379 405 P.2d 224 7518



Revenue commissioner appealed from a judgment of the District Court, Santa Fe County, James M. Scarborough, D. J., which determined that plaintiff was entitled to refund of succession tax paid under protest. The Supreme Court, Chavez, J., held that legislative intent was clear that beneficiaries should not be taxed on any portion of property not...

...E. Hartley, Atty. Gen., Norman S. Thayer, Joel M. Carson, **Jerry Wertheim**, Asst. Attys. Gen., Santa Fe, for appellants. CHAVEZ, Justice. { 1...

25. Amoco Production Co. v. Heimann

United States Court of Appeals, Tenth Circuit. May 24, 1990 904 F.2d 1405 1990 WL 67451 88-2072, 88-2255, 88-2070, 88-2355



Lessee under carbon dioxide and mineral leases containing unitization clauses brought action against lessors, seeking declaratory judgment that lessee had properly unitized lessors' mineral interests with other lands in area. Lessors counterclaimed, alleging unfair allocation of royalties under unitization agreement, undervaluation of...

...for plaintiff-counterdefendant-appellant and cross-appellee. Steven L. Tucker **Jerry Wertheim** Arturo L. Jaramillo , with him on the brief), Jones, Snead...

26. In re Norwest Bank of New Mexico, N.A.

Court of Appeals of New Mexico. September 10, 2003 134 N.M. 516 80 P.3d 98 22,697



ESTATE PLANNING AND PROBATE - Trusts. Agreement settling trust litigation that awarded all recovery to one beneficiary was proper.

...raise the issue at trial or obtain trial court ruling. **Jerry Wertheim** John Wentworth Carol A. Clifford John V. Wertheim Jones, Snead...

27. Fort Sumner Municipal School Bd. v. Parsons

Court of Appeals of New Mexico. April 23, 1971 82 N.M. 610 485 P.2d 366 559



Local school board's decision not to reemploy a tenure teacher while retaining two nontenure teachers was reversed by the State Board of Education upon tenure teacher's appeal, and local board appealed. The Court of Appeals, Wood, J., held that substantial evidence supported decisions of local school board, which was required for economic reasons...

...6 , subd. A. Charles S. Solomon, Santa Fe, for appellant. **Jerry Wertheim**, Jones, Gallegos, Snead & Wertheim, Santa Fe, for appellee Frances Eileen...

28. Summit Properties, Inc. v. Public Service Co. of New Mexico

Court of Appeals of New Mexico. May 09, 2005 138 N.M. 208 118 P.3d 716 24,231



ENERGY AND UTILITIES - Water and Sewer. PSC did not have exclusive jurisdiction over developer's action against utility regarding compensation for water facilities.

...Hardwick Bruce C. Throne , Santa Fe, for Appellee/Cross-Appellant. **Jerry Wertheim** Jones Snead Wertheim & Wentworth , Santa Fe, Thomas C. Bird David...

29. Coll v. First American Title Ins. Co.

United States Court of Appeals, Tenth Circuit. April 26, 2011 642 F.3d 876 2011 WL 1549233 08-2174



ANTITRUST - Conspiracy. Noerr-Pennington doctrine precluded insureds' claims under New Mexico Antitrust Act against title insurers.

...Richard M. Zuckerman , Sonnenschein Nath & Rosenthal, LLP, New York, NY, **Jerry Wertheim** Jerry Todd Wertheim , Jones, Snead, Wertheim & Wentworth, P.C., Santa Fe...

30. State ex rel. Stratton v. Roswell Independent Schools

Court of Appeals of New Mexico. January 31, 1991 111 N.M. 495 806 P.2d 1085 10,958, 10,957



School teacher brought declaratory judgment action seeking declaration that her service in the Legislature did not violate statutory and constitutional conflict of interest and separation of powers provisions. The District Court, Santa Fe County, Bruce E. Kaufman, D.J., granted relief and Attorney General appealed. Attorney General...

...Cuddy & Friedman , Santa Fe, for defendant-appellee Roswell Independent Schools. **Jerry Wertheim** Steven L. Tucker Jones, Snead, Wertheim, Rodriguez & Wentworth, P.A. , Santa...

1. New Mexicans for Free Enterprise v. The City of Santa Fe

Court of Appeals of New Mexico. November 29, 2005 138 N.M. 785 126 P.3d 1149 25,073

GOVERNMENT - Municipalities. Minimum wage ordinance was within city's home rule powers.

...of Santa Fe Bruce Thompson Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim, Santa Fe, Paul, Weiss, Rifkind, Wharton & Garrison LLP Sidney S...

2. State v. Cardenas-Alvarez

Supreme Court of New Mexico. April 30, 2001 130 N.M. 386 25 P.3d 225 26,130

CRIMINAL JUSTICE - Investigatory Stop. Prolonged border checkpoint stop was illegal under state constitution.

...M. Davidson, Albuquerque, NM, Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae New Mexico Criminal Defense...

3. Nass-Romero v. Visa U.S.A. Inc.

Court of Appeals of New Mexico. April 18, 2012 279 P.3d 772 2012 WL 2330264 30,540

ANTITRUST - Standing. Consumer of goods lacked standing to bring a New Mexico Antitrust Act (NMAA) claim against credit card companies.

...Samson, Seattle, WA, for Appellant. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim, Santa Fe, NM, Paul, Weiss, Rifkind, Wharton, & Garrison LLP, Kenneth...

4. State v. Cordova

Supreme Court of New Mexico. December 20, 1989 109 N.M. 211 784 P.2d 30 18,645

Defendant was convicted of possession of heroin, and the Court of Appeals reversed the conviction. Certiorari was granted. The Supreme Court, Ransom, J., held that: (1) search warrant rule requires that a search warrant affidavit based upon information provided by an informant set forth both a substantial basis for believing...

...Gen., Santa Fe, for petitioner. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. Appellant Defender, Santa Fe, for respondent. OPINION RANSOM, Justice...

5. Chavez v. Desert Eagle Distributing Co. of N.M.

Court of Appeals of New Mexico. December 01, 2006 141 N.M. 116 151 P.3d 77 26,261

TORTS - Intoxicating Liquors. Motorists' injuries were not foreseeable to alcohol distributors.

...moral norms and policy views. Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim Lee R. Hunt, Santa Fe, NM, Michael G. Rosenberg & Associates...

6. Village of Wagon Mound v. Mora Trust

Court of Appeals of New Mexico. December 18, 2002 133 N.M. 373 62 P.3d 1255 21,827, 21,917

ENVIRONMENTAL LAW - Water Rights. Village had enforceable contractual right to receive and use spring water.

...Fe, NM, for Plaintiff/Third-Party Defendant, Appellee. Jerry Wertheim Jerry Todd Wertheim Carol A. Clifford Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A., Santa...

7. State v. Rotherham

Supreme Court of New Mexico. May 31, 1996 122 N.M. 246 923 P.2d 1131 22,462, 22,497, 22,650, 22,059, 22,608

Criminal defendants who had been determined to be incompetent to stand trial appealed from various rulings of the District Court of Bernalillo County, W.C. "Woody" Smith and James F. Blackmer, P.JJ., and from the District Court, Chaves County, W.J. Schnedar, P.J. State filed motion to dismiss appeal of another defendant which had been...

...22,059, 22,497 and 22,608. Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. Jerry Todd Wertheim, Santa Fe, Ronald S. Honberg, Arlington, VA, for Amici Curiae...

8. State v. Trujillo

Supreme Court of New Mexico. February 26, 2009 146 N.M. 14 206 P.3d 125 30,318

CRIMINAL JUSTICE - Mental Commitment. Statute precludes criminal commitment of defendants who are dangerous and incompetent because of mental retardation.

...Santa Fe, NM, for Respondent. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim Trace L. Rabern, Santa Fe, NM, Barbara E. Bergman, Albuquerque...

9. State v. Collier

Supreme Court of New Mexico. March 25, 2013 301 P.3d 370 2013 WL 1339587 32,915

CRIMINAL JUSTICE - Double Jeopardy. State could retry defendant for misdemeanor cruelty to animals without violating Double Jeopardy Clause.

...Barbara E. Bergman, Albuquerque, NM, Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim Trace L. Rabern, Attorney and Counselor at Law, L.L.C., Trace...

10. State v. Mendez

Supreme Court of New Mexico. October 07, 2010 148 N.M. 761 242 P.3d 328 31,723

CRIMINAL JUSTICE - Evidence. Statements made to sexual assault nurse examiner could not be categorically excluded from admission in criminal prosecution.

...Santa Fe, NM, for Petitioner. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim Lee R. Hunt, Santa Fe, NM, for Respondent. OPINION BOSSON...

11. Mathis v. State

Supreme Court of New Mexico. September 24, 1991 112 N.M. 744 819 P.2d 1302 19,717

Defendants were charged with offenses relating to trafficking in controlled substances, based on information supplied to the State by informant. The District Court granted defendants' motion to dismiss for State's failure to comply with discovery orders. The Department of Public Safety filed a petition with the Supreme Court for...

...Jacquelyn Robins, Chief Public Defender, Hollis Ann Whitson, Appellate Defender, Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for petitioners. Tom Udall, Atty...

12. Silva v. American Federation of State, County and Mun. Employees

Supreme Court of New Mexico. November 26, 2001 131 N.M. 364 37 P.3d 81 26,641

LABOR AND EMPLOYMENT - Wrongful Discharge. Supreme Court's holding in Gandy v. Wal-Mart Stores, Inc. does not allow plaintiff who is not at-will employee to pursue action for tort of retaliatory discharge under public policy exception to at-will employment.

...wrong. Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. Arturo L. Jaramillo Jerry Todd Wertheim, Santa Fe, NM, Rothstein, Donatelli, Dahlstrom, Schoenburg and Enfield, L.L.P...

13. State v. Haddenham

Court of Appeals of New Mexico. April 19, 1990 110 N.M. 149 793 P.2d 279 11,357, 11,334

Defendant was convicted of being felon in possession of firearm, and was sentenced as habitual offender, in the District Court, Eddy County, James L. Shuler, D.J., and defendant appealed. In a second case, another defendant was also convicted of being felon in possession of firearm, and was sentenced as habitual offender, in the District...

...for defendant-appellant Kim Haddenham. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for defendant-appellant Ben Benton...

14. State v. Antonio T.

Court of Appeals of New Mexico. December 13, 2012 298 P.3d 484 2012 WL 7763943 30,827

FAMILY LAW - Juvenile Justice. Vice principal was not acting as law enforcement agent when she interrogated student suspected of being intoxicated.

...Appellant. Jennifer Street, Albuquerque, NM, Jones, Snead, Wertheim & Wentworth P.A., Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae New Mexico Criminal Defense...

15. State v. Brown

Supreme Court of New Mexico. April 24, 2006 139 N.M. 466 134 P.3d 753 28,471

CRIMINAL JUSTICE - Indigents. Indigent defender represented by pro bono counsel was entitled to public funding for expert witness.

...New Mexico Trial Lawyers Association. Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae, New Mexico Criminal Defense...

16. State v. Gutierrez

Court of Appeals of New Mexico. June 15, 2006 140 N.M. 157 140 P.3d 1106 26,314

CRIMINAL JUSTICE - Bail. Rule authorizing cash-only bail did not violate sufficient sureties clause of State Constitution.

...Twohig, Albuquerque, NM, for Appellant. Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae New Mexico Criminal Defense...

18. State v. Young

Supreme Court of New Mexico. October 25, 2007 143 N.M. 1 172 P.3d 138 29,467

CRIMINAL JUSTICE - Indigents. Attorneys for capital defendants were inadequately compensated, such that defendants were deprived of effective assistance.

...for Real Party in Interest. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim, Santa Fe, NM, Freedman, Boyd, Daniels, Hollander, Goldberg & Ives, P.A....

19. State v. Moore

Court of Appeals of New Mexico. August 29, 1989 109 N.M. 119 782 P.2d 91 10,836

Defendant was convicted in District Court, Lea County, Patrick J. Francoeur, D.J., of aggravated burglary, armed robbery, and false imprisonment, and he appealed. The Court of Appeals, Minzner, J., held that: (1) admission of pistol seized by police and exculpatory statements defendant made to third person was proper; (2)...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION MINZNER...

20. State v. Orosco

Supreme Court of New Mexico. January 07, 1992 113 N.M. 780 833 P.2d 1146 19,957, 19,999, 19,956

Defendants convicted of criminal sexual contact of a minor applied for certiorari requesting review of Court of Appeals' proposed disposition of issues. The Supreme Court, Montgomery, J., held that: (1) trial court's failure to instruct on unlawfulness of touchings in prosecution for criminal sexual contact of minor under age of 13...

...§30-9-13 Sammy J. Quintana , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for Edmundo Orosco. Sammy J...

21. Hess Corp. v. New Mexico Taxation and Revenue Dept.

Court of Appeals of New Mexico. January 20, 2011 149 N.M. 527 252 P.3d 751 28,967

TAXATION - Severance. Settlement of carbon dioxide royalty class action was adjudicatory event that triggered additional severance tax.

...NM, for Appellee. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Wertheim Jerry Todd Wertheim John V. Wertheim , Santa Fe, NM, for Appellant. OPINION CASTILLO...

22. State v. Mathis

Court of Appeals of New Mexico. February 07, 1991 111 N.M. 687 808 P.2d 972 11,799

Defendants were charged with various counts of trafficking in controlled substances based on information supplied to State by informant. Defendants filed motion for discovery. District court entered order granting some of defendants' requests, and thereafter the District Court of Luna County, V. Lee Vesely, D.J., granted defendants'...

...Fe, for plaintiff-appellant. Jacquelyn Robins , Chief Public Defender and Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendants-appellees. OPINION BIVINS...

24. State v. Ybarra

Supreme Court of New Mexico. November 28, 1990 111 N.M. 234 804 P.2d 1053 18,506

Defendant was convicted in the District Court of Eddy County, James L. Shuler, D.J., of first-degree murder, and he appealed. The Supreme Court, Wilson, J., held that: (1) defendant was subject to custodial interrogation when he was questioned by nurse in hospital emergency room in presence of police officer, and (2) statements made...

...against defendant was not overwhelming. Jacquelyn Robins , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendant-appellant. Hal Stratton...

25. State v. Guilez

Supreme Court of New Mexico. June 15, 2000 129 N.M. 240 4 P.3d 1231 25,920

CRIMINAL JUSTICE - Reckless Driving. Conviction for reckless driving did not preclude a conviction for child abuse.

...Respondent. Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. Lisa N. Cassidy Jerry Todd Wertheim , Santa Fe, Barbara Bergman , Albuquerque, for Amicus Curiae New Mexico...

26. State v. Calvillo

Court of Appeals of New Mexico. April 17, 1990 110 N.M. 114 792 P.2d 1157 11,616

Defendant was convicted by jury of possession of a firearm by a felon before the District Court of Lea County, R. W. Gallini, J., and he appealed. The Court of Appeals, Bivins, C.J., held that: (1) police officer's warrantless entry into defendant's house and warrantless arrest of defendant did not violate defendant's Fourth...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION BIVINS...

27. State v. Orosco

Court of Appeals of New Mexico. July 02, 1991 113 N.M. 789 833 P.2d 1155 11,816

Following jury trial before the District Court, Grant County, V. Lee Vesely, D.J., defendant was convicted as accessory to attempted criminal sexual penetration of minor and to criminal sexual contact of minor. Defendant appealed. The Court of Appeals, Bivins, J., held that: (1) evidence was sufficient to sustain conviction,...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION BIVINS...

28. State v. Rivera

Supreme Court of New Mexico. January 05, 2012 268 P.3d 40 2012 WL 112207 32,677

LEGAL SERVICES - Unauthorized Practice. Examination of state witness at DWI trial in metropolitan court by unlicensed individual was unauthorized.

...Jennifer L. Street, Albuquerque, NM, Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae New Mexico Criminal Defense...

29. Aguilera v. Board of Educ. of Hatch Valley Schools

Supreme Court of New Mexico. March 14, 2006 139 N.M. 330 132 P.3d 587 29,190

EDUCATION - Labor and Employment. School board can discharge teacher as part of reduction in force (RIF), provided it satisfies the Swisher requirement.

...Mexico Coalition of School Administrators. Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim, Santa Fe, NM, for Amicus Curiae, National Education Association of...

30. Santa Fe Public Schools v. Romero

Court of Appeals of New Mexico. October 18, 2001 131 N.M. 383 37 P.3d 100 20,452

EDUCATION - Labor and Employment. Arbitrator used erroneous standard of review when reviewing school board's decision dismissing coach.

...Peifer, Albuquerque, NM, for Amicus Curiae American Federation of Teachers. Jerry Todd Wertheim John V. Wertheim Jones, Snead, Wertheim, Wentworth & Jaramillo, Santa Fe...

32. Johnson v. Vigil-Giron

Supreme Court of New Mexico. November 02, 2006 140 N.M. 667 146 P.3d 312 30,039

GOVERNMENT - Elections. Secretary of State was within her discretion to rely on press conference in which candidate withdrew from State Auditor race.

...for Real Party In Interest. Jones, Snead, Wertheim & Wentworth, P.A. Jerry Todd Wertheim, Santa Fe, NM, for Intervenor. OPINION BOSSON, Chief Justice. {1...

33. State v. Willis

Supreme Court of New Mexico. February 07, 1997 123 N.M. 55 933 P.2d 854 23,063

After defendant pled guilty to second-degree murder, he later professed his innocence in writing and the trial court ordered withdrawal of plea. State later dismissed second-degree murder charge and refiled for first-degree murder with aggravating circumstance of murder of witness for death penalty consideration, and defendant sought to reinstate...

...Fe, for Plaintiff-Appellee. Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. Jerry Todd Wertheim Rothstein, Donatelli, Hughes, Dahlstrom, Cron & Shoenburg John L. Sullivan, for...

34. Moongate Water Co., Inc. v. Do%25na Ana Mut. Domestic Water Consumers Ass'n

Court of Appeals of New Mexico. September 04, 2008 145 N.M. 140 194 P.3d 755 27,284

ANTITRUST - Monopolies. Water association organized under Sanitary Projects Act (SPA) was immune from damages suit under state Antitrust Act.

...Las Cruces, NM, for Appellant. Jones, Snead, Wertheim & Wentworth, P.A., Jerry Todd Wertheim Carol A. Clifford, Santa Fe, NM, for Appellee. OPINION CASTILLO...

35. State v. Mirabal

Court of Appeals of New Mexico. July 13, 1989 108 N.M. 749 779 P.2d 126 11,272

Defendant was convicted in District Court, Otero County, Sandra A. Grisham, D.J., of attempting to obtain controlled substance. Defendant appealed. The Court of Appeals, Apodaca, J., held that: (1) statute proscribing attempting to obtain controlled substance was not void for vagueness, and (2) jurisdiction was established....

...Fe, for plaintiff-appellee. Jacquelyn Robins, Chief Public Defender and Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION APODACA...

36. State v. Calloway

Court of Appeals of New Mexico. October 02, 1990 111 N.M. 47 801 P.2d 117 11,625

Defendant was convicted in the District Court, Bernalillo County, Richard B. Traub, D.J., of trafficking in a controlled substance by manufacturing and possession of drug paraphernalia, and he appealed. The Court of Appeals, Alarid, J., held that: (1) officer's warrantless search and seizure of defendant's residence was justified in...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. App. Defender, Santa Fe, for defendant-appellant. OPINION ALARID...

37. State v. Mendez

Court of Appeals of New Mexico. April 13, 2009 146 N.M. 409 211 P.3d 206 28,261

CRIMINAL JUSTICE - Evidence. Hearsay statements victim made to sexual assault nurse examiner were not made for the purpose of diagnosis or treatment, and thus statements were not admissible.

...for Appellant. Jones, Snead, Wertheim, & Wentworth, P.A., Lee R. Hunt Jerry Todd Wertheim, Santa Fe, NM, for Appellee. OPINION VANZI, Judge. {1} This...

38. State v. Ruffins

Supreme Court of New Mexico. April 11, 1990 109 N.M. 668 789 P.2d 616 18,587

Defendant was convicted in the District Court, Reuben E. Nieves, D.J., of forgery. Defendant appealed. The Court of Appeals certified case. The Supreme Court, Wilson, J., held that physical delivery of forged check with a requisite intent was forgery, even though cashier did not accept check. Affirmed.

...30-16-10, subd. B. Jacquelyn Robins, Chief Public Defender, Jerry Todd Wertheim, Asst. Appellate Defender, Santa Fe, for defendant-appellant. Hal Stratton...

39. State v. Werner

Court of Appeals of New Mexico. February 13, 1990 110 N.M. 389 796 P.2d 610 11,569

Defendant was charged with attempted armed robbery and aggravated battery, and, after being found incompetent to stand trial and committed for treatment, State moved for competency status hearing and evidentiary hearing on issue of defendant's guilt of crimes charged. The District Court, Bernalillo County, Ross C. Sanchez, D.J., found...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION ALARID...

40. State v. Gonzales

Supreme Court of New Mexico. May 24, 1990 110 N.M. 166 793 P.2d 848 18,459

Defendant was convicted of first-degree murder and discharging a firearm at an occupied vehicle following a jury trial in the District Court, Chaves County, Alvin F. Jones, D.J., and he appealed. The Supreme Court, Sosa, C.J., held that: (1) refusal to admit evidence of victim's juvenile conviction of armed robbery was proper absent...

...was viewed in context. Jacquelyn Robins , Chief Public Defender and Jerry Todd Wertheim , Asst. Public Defender, Santa Fe, for defendant-appellant. Hal Stratton...

41. State v. Valdez

Court of Appeals of New Mexico. February 13, 1990 109 N.M. 759 790 P.2d 1040 11,392

Defendant was convicted of driving while intoxicated, driving with a revoked or suspended license, and reckless driving in the District Court, Chaves County, Alvin F. Jones, D.J., and he appealed. The Court of Appeals, Hartz, J., held that: (1) State's petition to Supreme Court for alternative writ of prohibition or alternative writ...

...from delay. U.S.C.A. Const.Amend. 6 Jacquelyn Robins , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendant-appellant. Hal Stratton...

42. Giangreco v. Murlless

Court of Appeals of New Mexico. May 08, 1997 123 N.M. 498 943 P.2d 532 17238

Nontenured teacher sued school board, seeking declaratory judgment to effect that he was entitled to reemployment. The District Court of Bernalillo County, Susan M. Conway, D.J., granted board's motion to dismiss complaint, and teacher appealed. The Court of Appeals, Bosson, J., held that: (1) teacher's purported acceptance...

...requirements, and requirements concerning acceptance of notice, require strict compliance. Jerry Todd Wertheim Jones, Snead, Wertheim, Wentworth & Jaramillo, P.A. , Santa Fe, for Plaintiff...

43. State v. Lucero

Court of Appeals of New Mexico. March 29, 1990 110 N.M. 50 791 P.2d 804 11,113

Defendant was convicted of battery of a police officer following jury trial in the District Court of Bernalillo County, Rozier E. Sanchez, D.J., and he appealed. The Court of Appeals, Minzner, J., held that preevidentiary instruction that there are at least two sides to every lawsuit was not reversible error in light of subsequent...

...Santa Fe, for plaintiff-appellee. Jacquelyn Robins , Chief Public Defender, Jerry Todd Wertheim , Asst. Appellate Defender, Santa Fe, for defendant-appellant. OPINION MINZNER...

44. AFSCME Council 18 v. Martinez

District Court of New Mexico, Bernalillo County. February 09, 2012 Not Reported in P.3d 2012 WL 3023322 : CV-2011-10200

THIS MATTER came before the Court on January 19, 2012, on Petition for Writ of Mandamus, filed October 7, 2011. Petitioners are represented by Youtz & Valdez, P.C. (Shane Youtz, Marianne Bowers), Sanchez, Mowrer & Desiderio, P.C. (Fredrick Mowrer, III), the Law Office of Justin Lesky (Justin Lesky) and Jones, Snead, Wertheim & Wentworth, P.A. (...)

...Justin Lesky (Law Office of Justin Lesky), Albuquerque, N.M., and Jerry Todd Wertheim (Jones, Snead, Wertheim & Wentworth, PA), Santa Fe, N.M., for petitioners...

...Justin Lesky (Justin Lesky) and Jones, Snead, Wertheim & Wentworth, P.A. (Jerry Todd Wertheim). Respondent is represented by Jessica Hernandez, Jennifer Padget and Matthew...

46. Weiss v. Board of Educ. of Santa Fe Public Schools

Court of Appeals of New Mexico. June 03, 2014 336 P.3d 388 2014 WL 2534073 32,844

EDUCATION - Labor and Employment. Teacher was entitled to heightened procedural and substantive protections following notice of termination.

...10A-22 22-10A-24 Jones, Snead, Wertheim & Clifford, P.A., Jerry Todd Wertheim Roxie Rawls-De Santiago Samuel C. Wolf, Santa Fe, NM...