

New Mexico Judicial Conclave

June 5 – 7, 2019

Agenda

Wednesday, June 5, 2019

9:00 – 12:00 Concurrent Activity: Children’s Court Judges Meeting

11:00 – 1:00 Registration

Plenary Sessions

1:00 – 1:30 Welcome and Introduction of New Judges and Tribal Judges

1:30 – 2:30 Civility in the Courtroom
Judge Victoria Pratt (Ret.), New Jersey

2:30 – 2:45 Break

**2:45 – 3:45 The Impact of Docket Management on Judicial
Wellness**
Judge Kevin Burke, Minnesota

3:45 – 4:00 Break

4:00 – 5:00 To Be Fair: Procedural Fairness/Justice
Judge Brian MacKenzie (Ret.), Michigan

Thursday, June 6, 2019

Plenary Sessions

- 8:15 – 9:15** **Independence Corrupted: How America’s Judges Really Make Their Decisions**
Judge Charles Benjamin Schudson (Ret.), Wisconsin
- 9:15 – 9:30 Break
- 9:30 – 10:30** **New Mexico Judges and Lawyers Assistance: Judicial Roundtables**
Justice Edward L. Chavez (Ret.), New Mexico Supreme Court
Judge Sarah L. Kraus (Ret.), New York
Sarah Myers, Colorado Lawyer Assistance Program
- 10:30 – 10:45 Break
- 10:45 – 12:00** **Adverse Childhood Experiences**
Dr. Andrew Hsi, UNM Health Sciences Center
- 12:00 – 1:30** **Lunch** (provided by JEC)
District and Metropolitan Judges Association Meeting

1:30 – 2:30 Breakout Sessions

1. New Mexico Evidence Update: New Caselaw, Rules, and Recurring Issues
Professor George Bach, UNM School of Law

This session will address new amendments to the state and federal rules of evidence. Recent U.S. Supreme Court and New Mexico cases on evidentiary issues will also be discussed.

2. SB 328 and the Changes to Firearms Laws in New Mexico
Judge Rosemary Cosgrove-Aguilar, Bernalillo County Metropolitan Court

This session will present an overview of the effect SB 328 will have on pleas and Orders of Protection in New Mexico. The changes in New Mexico's Firearms Possession Laws and the Family Violence Protection Act will have immediate consequences for pleas and Order of Protection hearings.

3. Guardianship, Conservatorship, Growing Pains and More to Come
Justice Shannon Bacon, New Mexico Supreme Court
Judge Nancy Franchini, Second Judicial District Court

This session will address the changes to the Probate Code based on the 2019 Legislature's passing of SB 395. Additionally, there will be a discussion of issues that have arisen in the handling of these types of cases since the 2018 Legislature's passing of SB 19.

4. Criminal Competency: New Rules, Reports and Resources

Moderator: Judge Abigail Aragon, Fourth Judicial District Court

*Panel: Judge James Hudson, Fifth Judicial District Court
Dr. Paul Bagwell, New Mexico Behavioral Health Institute
Dr. Samantha Guzman, PsyD
Tiffany Wynn, New Mexico Human Services Division*

This session will cover legislative and rule changes that will impact competency determinations in criminal cases.

5. Appellate Breakout: 51 Imperfect Solutions

Judge Jeffrey Sutton, U.S. Court of Appeals for the Sixth Circuit

The session is open to New Mexico Supreme Court Justices and Court of Appeals Judges. Judge Jeffrey Sutton will discuss decisions from state supreme courts and courts of appeals involving issues such as areas of constitutional law; equal protection; criminal procedure; privacy; and free speech and free exercise of religion.

6. New Mexico OneSource

Brenda Castello, Executive Director, New Mexico Compilation Commission

This session will introduce judges to the new version of New Mexico OneSource and explore features of interest to judges. Please bring an internet capable device with you if you attend this session.

2:30 – 2:50 Break

2:50 – 3:50 Breakout Sessions

1. Children’s Law Workshop: Kinship Guardianship

Judge Jane Levy, Second Judicial District Court

Judge Marie Ward, Second Judicial District Court

Catherine Begaye, Hearing Officer, Second Judicial District Court

This session will address best practices regarding kinship guardianship cases, current caselaw and statutory construction, and an overview of the interplay between kinship guardianship cases and children's law. This session will also discuss ICWA and answer questions about complying with ICWA in kinship guardianship cases.

2. Strangulation from a Medical Perspective

Dr. Cameron Crandall, University of New Mexico

This session will examine the medical impact of strangulation on a victim and the type of medical evidence that may be presented in the courtroom. Please be aware that this session may contain troubling topics and images.

3. Collegiality/Court Relations in a Time of Consolidation

Moderator: Justice Gary Clingman (Ret.), New Mexico Supreme Court

*Panel: Judge Manuel Arrieta, Third Judicial District Court
Judge Conrad Perea, Third Judicial District Court*

This session features a panel discussion that will focus not only on the collegiality and proper court relations necessary to maintain a healthy and efficient judiciary, but with the magistrate/district court administrative consolidation, the discussion will also encompass the court relations between these courts. The recent Supreme Court Order (April 12, 2019) consolidating the courts will be reviewed, and a wide-ranging discussion is expected concerning court relations, collegiality and the district courts' exercise of administrative authority over magistrate courts. Currently, the Third Judicial District Court is proceeding as a pilot program in the consolidation. Judge Perea, a former magistrate court judge, will speak to magistrate court issues and perspectives that can be anticipated.

4. Judicial Roundtable Breakout

New Mexico Judges and Lawyers Assistance Program

This session is a follow up to the morning plenary on judicial roundtables. The purpose of Judicial Roundtables is to provide judicial officers with the opportunity to discuss their experiences in a small, **confidential** setting with peers and colleagues who understand, and who share their passion for the work, the gravity and importance of the role, and the unique stressors they face. Attendees of this session will participate in a **confidential** facilitated Judicial Roundtable.

5. Appellate Breakout: Collegiality

Senior Justice Barbara Vigil, New Mexico Supreme Court

Justice Richard Bosson (Ret.), New Mexico Supreme Court

Judge Celia Castillo (Ret.), New Mexico Court of Appeals

Judge Cynthia Fry (Ret.), New Mexico Court of Appeals

In this session, a panel of experienced Supreme Court Justices and Court of Appeals judges will discuss the importance of collegiality for appellate judges.

6. New Mexico OneSource (Repeat)

Brenda Castello, Executive Director, New Mexico Compilation Commission

This session will introduce judges to the new version of New Mexico OneSource and explore features of interest to judges. Please bring an internet capable device with you if you attend this session.

3:50 – 4:10 Break

4:10 – 5:10 Breakout Sessions

1. New Mexico Evidence Update: New Caselaw, Rules, and Recurring Issues (Repeat)

Professor George Bach, UNM School of Law

This session will address new amendments to the state and federal rules of evidence. Recent U.S. Supreme Court and New Mexico cases on evidentiary issues will also be discussed.

2. Understanding ICWA's Requirements and the Involvement of State and Tribal Judges

Catherine Begaye, Hearing Officer, Second Judicial District Court

Tribal Judges are in a unique position to help state court judges ensure that ICWA's protections are being followed. Learning what ICWA requires provides a unique opportunity for Indian children to have two judges looking out for them. This session is intended to educate on ICWA basics, but more importantly, to highlight points where a tribe's leaders or judiciary can become involved in a state court case. Concrete examples of this cross-collaboration will be highlighted, with a brief time to share experiences with state and tribal courts working together on ICWA issues.

3. Guardianship, Conservatorship, Growing Pains and More to Come (Repeat)

*Justice Shannon Bacon, New Mexico Supreme Court
Judge Nancy Franchini, Second Judicial District Court*

This session will discuss the changes to the Probate Code based on the 2019 Legislature's passing of SB 395. Additionally, there will be a discussion of issues that have arisen in the handling of these types of cases since the 2018 Legislature's passing of SB 19.

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5. Statewide Early Release Program

*Judge Nan Nash (Ret.), Second Judicial District Court
Kelly Bradford, Administrative Office of the Courts
Robert Padilla, Bernalillo County Metropolitan Court*

This session will include an overview of the Bernalillo County Metropolitan Court's release on own recognizance (ROR) program and information on New Mexico's future statewide early release program.

6. New Mexico OneSource (Repeat)

Brenda Castello, Executive Director, New Mexico Compilation Commission

This session will introduce judges to the new version of New Mexico OneSource and explore features of interest to judges. Please bring an internet capable device with you if you attend this session.

5:30pm – 7:00pm Concurrent Activity: Conclave Reception with Judge Charles Benjamin Schudson (Ret.) (A fee of \$30 will be charged for attending the reception. The fee will cover food at the reception. Beverages will be available from a cash bar).

Friday, June 7, 2019

Plenary Sessions

8:30 – 9:30 Civil Procedure Update

Professor George Bach, UNM School of Law

9:30 – 9:45 Break

9:45 – 11:00 Criminal Law Update

Professor Barbara Bergman, James E. Rogers College of Law at the University of Arizona

11:00 – 11:15 Break

11:15 – 12:30 The Cultural Defense

Professor Jonathan Turley, George Washington University Law School

Save the Date!

2020 Judicial Conclave

June 17- 19, 2020

2019 Judicial Conclave Planning Committee

Justice Barbara Vigil, Chair, New Mexico Supreme Court
Justice David Thomson, New Mexico Supreme Court
Justice Gary Clingman (Ret.), New Mexico Supreme Court
Hon. Abigail Aragon, 4th Judicial District Court
Hon. Manuel Arrieta, 3rd Judicial District Court
Hon. Carl Butkus, 2nd Judicial District Court
Hon. Rosemary Cosgrove-Aguilar, Metropolitan Court
Hon. Albert Mitchell, 10th Judicial District Court
Hon. Brett Loveless, 2nd Judicial District Court

John Newell, Committee Staff, Judicial Education Center

New Mexico Judicial Education Center Staff

John Newell, JEC Director
Laura Bassein, IPL Senior Attorney
Jeremy Theoret, JEC Attorney
Cynthia Hensley, JEC Program Coordinator
Debra King-Stottlemeyer, JEC Event Planner