

**State of New Mexico**  
**FAMILY REPRESENTATION AND ADVOCACY COMMISSION**



**January 13, 2025 Special Meeting**  
**Minutes Approved by the Commission on April 28, 2025**

**Roll Call**

**Members in Attendance:**

Chair Monica Zamora, Retired Judge, Court of Appeals  
Vice Chair Judge John Davis, Retired Judge, 13<sup>th</sup> Judicial District  
Tim Flynn-O'Brien, JD, Retired Civil Rights and Tort Attorney  
Alison Pauk, JD, CCIC Director, NM Administrative Office of the Courts  
Bernie Lopez, Parent Advocate  
Beth Gillia, JD, Executive Director  
Elena Giacci, Trainer and Advocate  
Pamela Pierce, JD, CEO Silver Bullet Productions  
Mary Nienow, Director and Associate Professor School of Social Work, NMSUU  
Representative Pamelya Herndon, NM House of Representative, District 18  
Ms. Monica R. Corica, JD, Civil Legal Services Attorney

**Members Absent:**

Senator Linda Lopez, NM State Senate, District 11  
Representative Gail Chasey, JD, NM House of Representatives, District 18  
Joanna Delaney – Youth member

**I. Call to Order/Welcome**

Judge Zamora, Commission Chair called the meeting to order at 3:39pm.

**II. Adoption of Agenda**

The Commission adopted the agenda without objection.

**III. Discussion of Rulemaking Process**

Tim Flynn-O'Brien presented on Rulemaking. Director Gillia proposed that OFRA would draft any rules the Director feels are necessary and bring those drafts to Commission to decide whether to go through the rule making process. This process would include publication and holding a public hearing held by the Commission's executive committee.

After the hearing, comments will be reviewed by OFRA, which will then propose any necessary amendments or recommend adoption as originally drafted. The Commission will take final action, adopting or rejecting any changes that were made after the period of public comment. This approach provides adequate Commission oversight over OFRA activities.

Judge Zamora asked for a Motion to approve the proposed OFRA rulemaking process. Bernie moved and Judge Davis seconded the motion. The motion passed without opposition.

#### **IV. Discussion of 2025 Legislative Proposals**

The 2025 proposed legislative changes were discussed at the last regular meeting. At that time, the Commission voted to support the proposed changes, with some minor clean up, except the proposed changes concerning rulemaking. A small group of Commissioners met with the Director, to review the remaining issues, and a revised version of the packet was sent to Commissioners before the January meeting. The revised version does not include rulemaking.

The revised draft changed “appointment” to “assignment” on page 5.

No changes were made to the section on representation of indigent clients.

Section 32A-4-10.1 – proposes to allow OFRA to pay attorneys who are not contracted with OFRA but who were appointed by the Court before OFRA existed, or who may be appointed by the Court when OFRA requests the Court to appoint such counsel. This section clarifies that attorneys who are appointed or who were previously appointed by court will be paid at the same rate as our contract attorneys.

Language expressly recognizing the adult client’s right to waive counsel was moved from Article 1 to Article 4 to avoid unintended consequences; the right to waive counsel was also added to the Fostering Connections Act (Article 26). These sections clarify that the court must determine that the client is knowingly and voluntarily waiving counsel.

Commissioner Flynn-O’Brien moved to adopt the changes to the legislative packet and Commissioner Davis seconded the motion. The motion passed without objection.

#### **V. Adjournment of Meeting**

Commissioner Davis moved, and Commissioner Bernie Lopez seconded the motion to adjourn. The motion was approved. The meeting adjourned at 4:39 pm.