



NEW MEXICO  
**PUBLIC REGULATION  
COMMISSION**

**COMMISSIONERS**

GABRIEL AGUILERA  
JAMES ELLISON  
PATRICK O'CONNELL

## **REGULATION IN NEW MEXICO- How to Navigate a Dynamic Landscape**

### **COURSE AGENDA State Capitol Room 309 Monday, November 13, 2023 9:00 A.M. – 4:45 P.M.**

**9:00-10:30 A.M.**

#### **The PRC's Role: A Stakeholder's Perspective**

**Presenters:** Gabriel Aguilera (Moderator), Senator Peter Wirth, Secretary Cottrell Propst, Rikki Seguin, Adrian Rodriguez

This panel will examine the Public Regulation Commission's role within New Mexico as seen from the perspectives of legislators, public officials, utilities, and stakeholder representatives. The panelists will discuss the role the PRC can play in the state's economic development and transition to zero carbon resources. The panelists will discuss their views on how the PRC must balance opposing interests in pursuit of the public interest.

**10:30- 10:45 A.M. Break**

**10:45-11:45 A.M.**

#### **Administrative Rules: What Makes a Good One and Why Do We Need Them?**

**Presenters:** Secretary James Kenney, Zach Ogaz

This course will examine the need for well written regulations and the impacts of having well written regulations vs. poorly written regulations. This course will discuss techniques for writing good regulations, the importance of good regulations on enforcement, and the process for promulgation of regulations. Lastly, this course will address the consequences of poorly written regulations.

**11:45 A.M.- 1:00 P.M. Lunch on Your Own**

**1:00 P.M.- 2:30 P.M.**

#### **How to Conduct and Survive a Tough Cross Examination**

**Presenters:** Doug Howe, Ph.D., John Bogatko

Giving and surviving a tough cross examination might seem at first blush to be a daunting proposition. What with the way cross examination has been depicted in popular culture, and in view of the way some attorneys and subject matter experts seem to regard it with a certain amount of apprehension if not some measure of dread, the prospect of cross examination is not often if ever truly appreciated for the opportunities it presents. In the words of John Henry Wigmore, cross examination is “beyond any doubt the greatest legal engine ever invented for the discovery of truth [whether you really want it or not].” Wigmore might have been on to something. That said, our presentation on *how to give and survive a tough cross examination* is not intended to be the end-all-be-all treatment of the topic, but a discussion with you regarding some basic considerations and rules of thumb when it comes to giving and responding to cross examination under the somewhat unique circumstances of practice before the New Mexico Public Regulation Commission.

**2:30 P.M.- 3:30 P.M.**

**How and Why Settlement: How are They Reached and What Do They Mean in the Regulatory Context?**

**Presenters:** Arthur O'Donnell (Moderator), Mariel Nanasi, Tom Domme, Gideon Elliot

A moderated panel of regulatory practitioners discuss the use and abuse of stipulated agreements, partial settlements and all-party uncontested settlements of issues in adjudicatory proceedings. Learn when such agreements are appropriate and the basis for regulators to find them in the public interest. Review some major settlements in the recent past and identify potential complications in putting them into practice.

**3:30 P.M.- 3:45 P.M. Break**

**3:45 P.M.- 4:45 P.M.**

**Mindfulness in Decision Making: Increasing Professionalism and Avoiding Burnout Through Thoughtful Response and Cultivating Presence**

**Presenter:** Scott Cameron

This course will discuss the biology of the brain, how to practice mindfulness to improve responses rather than reactions, and how these topics impact lawyer professionalism. Attendees will be lead through exercises designed to demonstrate mindfulness in various settings through hands on learning.



## **REGULATION IN NEW MEXICO- How to Navigate a Dynamic Landscape**

### **COURSE AGENDA State Capitol Room 309 Tuesday, November 14, 2023 8:30 A.M. – 4:15 P.M.**

**8:30-9:30 A.M.**

**Open Meetings Act Compliance for Adjudicatory Bodies**

**Presenters:** John Kreienkamp

This course will provide an overview and discussion of the provisions of the Open Meetings Act (OMA) most relevant to adjudicatory and regulatory bodies such as the Public Regulation Commission, as well as the case law and other legal authorities interpreting the statute. In particular, the course will discuss the applicability of OMA to gatherings of a quorum, the permissible interactions of board or commission members with each other and staff, the doctrine of substantial compliance, and the contours of the exceptions to disclosure relevant to adjudicatory and regulatory bodies.

**9:30- 10:30 A.M.**

**Communicating Highly Technical Concepts to Non-Technical People**

**Presenter:** Jeff Wechsler

This session will focus on practical techniques for communicating technical concepts in legal proceedings. Subjects will include identifying the critical issues, working with expert witnesses, demonstrative exhibits, plain language, candor, and cross examination.

**10:30 – 10:45 A.M. Break**

**10:45- 11:45 A.M.**

**Writing for Your Audience: How to Make Your Point with Different Readers**

**Presenter:** Erin Lecoq

This session will discuss how to draft clear, concise, and effective briefs, orders, and memos

specifically for the audience you are writing for. It will discuss basic levels of legal analysis, citation methods, persuasive writing techniques, and the use of legal terminology tailored for the audience so that you are able to make clear, persuasive arguments that will be understood by your audience.

**11:45 A.M.- 1:00 P.M. Lunch on Your Own**

**1:00 P.M.- 2:00 P.M.**

**Emerging Issues in Regulations**

**Presenters:** Zoë Lees, Marc Tupler

This course provides professionals with an overview of the dynamic landscape of regulatory challenges facing industries and regulators today. This course will discuss regulatory challenges confronting New Mexico, including state-specific considerations and the impact of federal regulations on the local landscape.

**2:00 P.M.- 3:00 P.M.**

**The Role of PRC Staff in Regulation: Advisory and Advocacy**

**Presenters:** Bradford Borman (Moderator), Jason Marks, Cydney Beadles, Peter J. Gould

This panel will seek to distinguish PRC Advisory Staff from Advocacy Staff, and explore the roles of each in matters before the Commission. We will discuss the Commission's *ex parte* statute, NMSA 1978, s. 62-19-23, and how that statute and the Commission's Rule (1.2.3.1 NMAC, *et seq*) apply in instructing each Staff in meeting its obligations to the Commission. We will also explore what the Commission might need from each Staff in the future, and how they may best meet those needs. We hope to make this a participatory panel, taking feedback and questions from the audience.

**3:00 P.M.- 3:15 P.M. Break**

**3:15 P.M.- 4:15 P.M.**

**Professionalism When Appearing in Front of Adjudicatory Bodies**

**Presenter:** Hon. Erin B. O'Connell, District Court Judge, Second Judicial District Court of the State of New Mexico

Judges and lawyers are partners in professionalism. While we use a particular lens, and don a different hat, depending on which side of the bench we are on, both advocates and decision-makers share a common need to be prepared, professional, and calm under fire. Whether on the bench or before it, this session will discuss tools and tips to stay focused on the evidence and ensure a complete record that survives on appeal.