

George Bach
University of New Mexico School of Law
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Curriculum Vitae

Professor of Law, University of New Mexico School of Law, Leon Karelitz Professor in Evidence and Procedure, August 2020-present.

Associate Professor of Law, August 2017-July 2020

Visiting Professor, January 2017-July 2017

Adjunct Professor of Law, August 2016-December 2016

Assistant Professor of Law, August 2012-August 2015

Visiting Professor and Lecturer, May 2011-May 2012

Adjunct Professor, August-December 2010

Teaches Civil Procedure, Constitutional Law, Evidence, Federal Jurisdiction, and Trial Practice. Scholarship focuses on evidence and constitutional law/civil rights issues. Most recent article discusses the Tenth Amendment's anticommandeering doctrine: *The Federal Government Cannot Prohibit the Exercise of a Core State Sovereign Function: Haaland v. Brackeen and Expanding the Anticommandeering Doctrine*, 52 UC LAW CONSTITUTIONAL QUARTERLY (forthcoming 2024). Has authored amicus briefs at the New Mexico Supreme Court in cases involving the death penalty, state sovereign immunity, and marriage equality. Lectures regularly on Civil Procedure and Evidence at Judicial Education Conferences. Recipient of numerous teaching awards, including the 2020 University of New Mexico Alumni Association Faculty Teaching Award. Has also taught Prisoners' Rights, Comparative Equality, Employment Law, Labor Law, Comparative and Historical Legal Perspectives, Law Practice Clinic, and Child and Family Justice Clinic.

Visiting Professor of Law, University of San Francisco School of Law, 2023-24

Taught Civil Procedure I and II and Constitutional Law I and II as a Visiting Professor at the University of San Francisco School of Law. Served on Admissions Committee and Anti-Racism, Diversity, Equity, and Inclusion Committee. Also served as an advisor to Pride Law and the Law Review.

Attorney, Garcia Ives Nowara Albuquerque, New Mexico

August 2015-December 2016

Litigated in civil rights, labor and employment law, and criminal defense. Practiced in state and federal trial and appellate courts, specializing in constitutional torts. Cases involve First, Fourth, Eighth, and Fourteenth Amendment litigation pursuant to 42 U.S.C. § 1983, the Federal Tort Claims Act, the New Mexico Whistleblower Protection Act, Title VII of Civil Rights Act of 1964, New Mexico Human Rights Act, etc. Served as a member of the Criminal Justice Act panel for the U.S. District Court, handling multiple *Johnson* habeas petitions. Authored New Mexico Supreme Court *amicus* brief for the New Mexico Trial Lawyers Association on whether to extend sovereign immunity to an out of state physician-defendant in a medical malpractice action. Regularly presented at Judicial Education Conferences on Evidence for state court judges.

Partner, Bach & Garcia LLC Albuquerque, New Mexico

December 1, 2009 – July 2012

Litigated in two-person civil rights, employment, criminal defense, and personal injury law firm. Worked in state and federal courts, including trial work and appellate work in U.S. Court of Appeals for the Fifth Circuit. Managed business affairs for the firm.

Staff and Managing Attorney, American Civil Liberties Union of New Mexico

February 2005-November 2009 P.O. Box 566 Albuquerque, NM 87103

Served as ACLU-NM's first staff attorney. Managed and litigated a caseload of 30-40 cases annually in state and federal trial and appellate courts, involving civil rights issues throughout the State of New Mexico. Served as lead counsel in coalition impact-litigation in cases involving unlawful immigrant arrests, jail conditions and domestic partnership benefits. Filed multiple petitions for writs of habeas corpus for immigrants indefinitely detained. Testified before state legislative committees on civil rights matters. Promoted to Managing Attorney in February 2009. Supervised associate staff attorney, legal assistant, as well as law student clerks. Successfully argued *Poolaw v. Marcantel*, 565 F.3d 721 (10th Cir. 2009).

Associate Attorney, Peifer & Cornell, LLP (formerly Law Offices of K. Lee Peifer)

October 2002-January 2005 Albuquerque, New Mexico

Practiced in small, four-attorney labor/employment/civil rights law firm. Litigated state and federal court actions involving civil rights law, constitutional law, wage and hour complaints, employment discrimination, unemployment compensation, employee discipline, union representation, collective bargaining, unfair labor practices, contract law, procurement law, administrative law etc. Served as lead counsel in labor arbitration resulting in an award of \$1.2 million to teachers' union. As cooperating attorney for the ACLU-NM, successfully litigated challenge to Albuquerque's sex offender restrictions ordinance. *ACLU-NM v. City of Albuquerque*, 2006-NMCA-078, 139 N.M. 761, 137 P.3d 1215.

Law Clerk, Law Offices of K. Lee Peifer

July 2000-October 2002 Albuquerque, New Mexico

Worked as a legal assistant primarily in the field of labor and employment law. Assisted in drafting of complaints, motions, memoranda, and in preparation for arbitrations, hearings, trials, and appeals. Refined legal research skills in all areas of the firm's practice.

Law Clerk and FMLA Coordinator, Law Offices of Gabrielle Semel

April 1997-December 1997 New York, New York

Researched issues of law in depth for law office dealing with union-side labor issues. Organized and collected information for, and assisted in drafting, complaint filed against Bell Atlantic by Communications Workers of America dealing with violations of Family Medical Leave Act. Dealt one-on-one with local union leaders and members throughout the state of New York.

PUBLICATIONS AND OTHER WRITINGS

DON'T BE AFRAID OF TRIAL: Making the Teaching of Trial Practice Accessible and, Yes, Less Aspirational, 22.1 CONNECTICUT PUBLIC INTEREST LAW JOURNAL 29 (2022).

Moderating the Use of Lay Opinion Identification Testimony related to Surveillance Video, 47 FLORIDA STATE UNIVERSITY LAW REVIEW 445 (2020), cited by the Court of Appeals of New York in People v. Mosley, 2024 WL 1723074 (N.Y. Apr. 23, 2024), and the Supreme Court of Connecticut in State v. Gore, 342 Conn. 129, 269 A.3d 1 (2022) and State v. Bruny, 342 Conn. 169, 269 A.3d 38 (2022).

Essay: *Federalism and the State Police Power – Why Immigration and Customs Enforcement Must Stay Away from State Courthouses*, 54 WILLAMETTE LAW REVIEW 323 (Spring 2018).

More on Dignity in Eighth Amendment Conditions of Confinement Claims, 42 NEW ENGLAND JOURNAL ON CRIMINAL AND CIVIL CONFINEMENT 1 (Winter 2016) (solicited work).

Out and About Because I Can Be, Out and About – The LGBT Experience in the Legal Profession (American Bar Association 2015)

Answering the “Serious Constitutional Question”: Ensuring Meaningful Review of All Constitutional Claims, 117 WEST VIRGINIA L. REV. 177 (2014).

Defining “Sufficiently Serious” in Claims of Cruel and Unusual Punishment, 62 DRAKE L. REV. 1 (Fall 2013).

State Law to the Contrary? Examining Potential Limits on the Authority of State and Local Law Enforcement to Enforce Federal Immigration Law, 22 TEMP. POL. & CIV. RTS. L. REV. 67 (Fall 2012), cited by Supreme Judicial Court of Massachusetts in Lunn v. Commonwealth, 477 Mass. 517, 78 N.E.3d 1143 (2017).

Iqbal Is Not a Game-changer for Discovery in Civil Rights Cases, with Matthew L. Garcia, 42 N.M. L. REV. 329 (Summer 2012).

Brief of *Amicus Curiae* New Mexico Trial Lawyers Association, *Castro v. Jones Contractors, Inc.*, New Mexico Court of Appeals No. A-1-CA-39686 (April 2022) (brief on summary judgment standards and the “going and coming rule” in tort law).

Brief of *Amicus Curiae* New Mexico Trial Lawyers Association, *Montaño v. Frezza*, New Mexico Supreme Court No. 35,214 (December 2015) (brief on whether to extend sovereign immunity to out-of-state doctor in medical malpractice action).

Brief of *Amicus Curiae* American Civil Liberties Union of New Mexico, *Ramirez v. State of N.M. Children Youth and Families Department*, New Mexico Supreme Court No. 34,613 (August 6, 2014) (brief on state sovereign immunity).

Brief of *Amici Curiae* Professors at UNM School of Law, *Fry v. Lopez*, New Mexico Supreme Court No. 34,372 and *Allen v. LeMaster*, No. 34,386 (March 24, 2014) (death penalty brief).

Brief of *Amici Curiae* Professors at UNM School of Law, *Griego v. Oliver*, New Mexico Supreme Court No. 34,306 (September 23, 2013) with Max J. Minzner (same-sex marriage brief).

AWARDS/PROFESSORSHIPS

2022-2025 Leon Karelitz Professorship in Evidence and Procedure
2022 Professor You'd Most Want to Drink With after Law School (awarded by the graduating class)
2020 University of New Mexico Alumni Association Faculty Teaching Award
2019-2021 Leon Karelitz Professorship in Evidence and Procedure
2018 Most Inspiring Professor (awarded by the graduating class)
2017 Best Overall Professor
2017 Honorable Mention - Most Entertaining Professor
2017 Honorable Mention – Most Inspiring Professor
2017-2018 Leon Karelitz Professorship in Evidence
2015 Student Appreciation Award for Outstanding Service (awarded by the graduating class)
2015 Recognition by the New Mexico State Senate for work at the UNM School of Law
2014 Professor of the Year (awarded by the graduating class)
2013 Nominee for Best New UNM Faculty Teaching Award
2012 “Dopest” Professor Award (awarded by the graduating class)
2007 Santa Fe Human Rights Alliance Treasure Award
2007 Identified as one of “Ten Faces Changing the Face of Albuquerque” by *IQ* magazine
2004 ACLU-NM Cooperating Attorney of the Year (with Kari Morrissey and K. Lee Peifer)

EDUCATION

J.D., University of New Mexico School of Law, Class of 2002, with Clinical Honors
B.A., Government and Dramatic Arts, Centre College of Kentucky, Class of 1992

PROFESSIONAL and COMMUNITY ASSOCIATIONS

Member, New Mexico LGBTQ Bar Association (2002-present)
Member, ACLU of New Mexico Legal Panel (2010-present)
New Mexico State Bar Bridge the Gap Mentor (2018-present)
Member, Board of Directors for Enlace Comunitario (2015-2021)
Member, New Mexico State Advisory Committee to the U.S. Commission on Civil Rights (appointed by U.S. Representative Martin Heinrich) (2009-2020)
Member, Judicial Selection Nominating Commission for Family Court Judge (October 31, 2016)

Member, Board of Directors of New Mexico Press Women (2014-2015)
Commissioner, New Mexico Supreme Court Commission on Access to Justice (2014-15)
President, New Mexico Lesbian and Gay Lawyers Association (2002-2004)

Admitted to practice in New Mexico, October 2002. Admitted to practice in: U.S. Court of Appeals for the Fifth Circuit; U.S. Court of Appeals for the Tenth Circuit; U.S. District Courts for New Mexico and Western District of Texas.

PRESENTATIONS & CONTINUING LEGAL EDUCATION SESSIONS TAUGHT

State v. Tsosie: The Confrontation Clause and Testimonial Hearsay (New Mexico State Bar Annual Conference) July 28, 2023
Civil Procedure Update (New Mexico Judicial Conclave) June 9, 2023
Evidence Update (New Mexico Judicial Conclave) June 9, 2023
The Latest on Evidence (New Mexico Trial Lawyers Association) April 28, 2023
Evidence – Proper Framework for Authenticating Evidence from Social Media Platforms (Third Judicial District Family Law Group) March 14, 2023
Civil Procedure Update (New Mexico State Bar Annual Meeting) August 13, 2022
Civil Procedure Update (New Mexico Judicial Conclave) June 17, 2022
Character Evidence, Other Acts, Habit, and Impeachment with Criminal Convictions (New Mexico Judicial Conclave) June 16, 2022
Evidence Update (New Mexico Judicial Conclave) June 16, 2022
The Latest on Evidence (New Mexico Trial Lawyers Association) April 22, 2022
Hearsay Overview (Second Judicial District Attorney’s Office) March 11, 2022
“Excited Utterance – Evidence and Proof Podcast” (Interviewed by Prof. Edward K. Cheng) January 2022
Bostock v. Clayton County, Georgia and its Implications for LGBTQ Law (with Prof. Vinay Harpalani and attorney Lynn Mostoller; LGBTQ Bar Association) September 19, 2020
Evidence Update (New Mexico Judicial Conclave) June 19, 2020
Civil Procedure Update (with Prof. Veronica Gonzales-Zamora; New Mexico Judicial Conclave) June 19, 2020
Qualified Immunity (UNM School of Law Black Lives Matters Teach-In) June 5, 2020
Evidence Update (New Mexico Trial Lawyers Association) April 24, 2020
Civil Procedure Update (New Mexico Judicial Conclave) June 7, 2019
Evidence Update (New Mexico Judicial Conclave) June 6, 2019
Hearsay and Problems with Electronic Evidence (New Mexico Municipal Judge Conference) May 1, 2019
Federalism and the State Police Power - Why Immigration and Customs Enforcement Must Stay Away from State Courthouses (Panel Presentation; ClassCrits XI) November 2, 2018
Evidence Update (New Mexico Judicial Conclave) June 7, 2018
Evidence and Technology: Foundation and Authenticity Questions with Electronic Forms of Evidence (New Mexico Municipal Judges Conference) July 12, 2017
Civil Procedure Update (New Mexico Judicial Conclave) June 9, 2017
Evidence Update (New Mexico Judicial Conclave) June 8, 2017

Constitutional Issues Surrounding Trump’s Travel Ban (Third Annual Symposium on Diversity & Inclusion) April 28, 2017

Civil Procedure Update (New Mexico Trial Lawyers Association) April 21, 2017

Character Evidence (New Mexico Magistrate Judges Conference) September 2016

Hearsay and Not Hearsay and Double Hearsay (New Mexico Judicial Conclave) June 2016

The New Federal Rules of Civil Procedure (New Mexico Trial Lawyers Association) November 13, 2015

Hot Topics under the First Amendment (Albuquerque Bar Association) January 7, 2014

Impeachment and Rehabilitation (New Mexico Judicial Conclave) June 6, 2013

[Some of] Your Evidence Questions Answered! (New Mexico Judicial Conclave) June 6, 2013

Supreme Court Update (New Mexico Paralegal Division) July 10, 2013

Back to Basics: Title VII 101 (New Mexico Trial Lawyers Association) February 22, 2013

Civil Rights Update, (Albuquerque Bar Association) June 5, 2012

Evidence Update: You thought you knew the rules! The Restyled Rules are here! (New Mexico Trial Lawyers Association) April 27, 2012

Trial Skills for the Child Welfare Attorney (Corinne Wolfe Children’s Law Center) March 30, 2012

Civil Rights Overview to Albuquerque Police Oversight Commission, June 2011

Obtaining Attorney’s Fees in Civil Rights Cases, (New Mexico Legal Service Providers Annual Conference) June 2, 2011

Introduction to Civil Rights Litigation, (ACLU of New Mexico Civil Rights CLE) September 25, 2009

Garcetti v. Ceballos or “Is everyone here long on policy and short on law?” (Albuquerque Bar Association) July 11, 2007

ACLU-NM v. City of Albuquerque (Litigation Review), (New Mexico Municipal League) November 2006

Update on Lesbian Gay Bisexual Transgender Law, July 11, 2006

New Mexico’s Sex Offender Registration Laws (New Mexico Paralegal CLE) August 2005

“ARE THEY LOOKING AT ME?” and other more important communication questions surrounding lesbian, gay, bisexual, and transgender issues in the workplace” (New Mexico EEO Diversity Council) April 2005

Drug-Testing of Public Officials (New Mexico Women’s Bar) March 2005

History of the LGBT Civil Rights Movement (multiple presentations)

DEBATES

Debate on Bush Administration Surveillance Policies with former Inspector General Gerald Walpin (sponsored by Federalist Society) October 2007

Debate on State and Local Enforcement of Federal Immigration Law with U.S. Attorney David Iglesias, (Toastmasters) February 2007

Debate on Rumsfeld v. FAIR with Mountain States Legal Foundation President William Perry Pindley (co-sponsored by ACLU-NM and Federalist Society) September

2005

PUBLISHED DECISIONS

Poolaw v. Marcantel, 565 F.3d 721 (10th Cir. 2009)

Protection & Advocacy Systems v. City of Albuquerque, 145 N.M. 156 (Ct. App. 2008)

ACLU of N.M. v. City of Albuquerque, 139 N.M. 761 (Ct. App. 2006)

OTHER WORK EXPERIENCE

General Manager, Double Rainbow of Albuquerque (now “Flying Star Café”)

August 1999-May 2000 3416 Central SE Albuquerque, NM 87106

Coordinated operations of bakery and café with a staff of 70. Oversaw hiring, employee morale, food quality, training, scheduling, customer service, equipment maintenance, product delivery, sales growth, labor and food costing, and all day-to-day operations in a fast-paced restaurant environment.

Counter Manager, Double Rainbow of Albuquerque

January 1998-August 1999

September 1994-August 1996

Supervised staff of 20 servers and dishwashers to execute day shift flow. Managed front of the house to ensure quality customer service, proper cash handling, and restaurant cleanliness. Coordinated scheduling.

Ticket Office Supervisor, Keystone/Arapahoe Basin Ski Resort

Winters 1992-1993, 1993-1994 Keystone, CO

Managed sales office in extremely busy ski resort lift ticket sales office. Facilitated handling of over \$60,000 daily and a staff of seven ticket agents.

Chief Ranger, Philmont Scout Ranch, Boy Scouts of America

Chief Ranger, Summer 1993

Ranger Department, Summers 1988-1993 Cimarron, NM

Worked as a backpacking guide in 200-mile mountain-wilderness area. Was promoted to become head of 200-person department of guides for the summer of 1993. Hired, trained, scheduled, and reviewed staff. Served as Operations leader for search and rescue missions.