



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

**FY 2018
ANNUAL
REPORT**





STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

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HON. ALISA A. HART
HON. MAURINE LANEY
NANCY R. LONG, ESQ.
HON. STEPHEN O. LEE
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RANDALL D. ROYBAL, ESQ.
EXECUTIVE DIRECTOR & GENERAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ.
DEPUTY DIRECTOR

DEBORAH L. BORIO, ESQ.
SENIOR INVESTIGATIVE TRIAL COUNSEL

November 2, 2018

Honorable Governor Susana Martinez
Honorable Senators and Representatives of the Legislature
Honorable Chief Justice and Justices of the Supreme Court
Citizens of the State of New Mexico

Ladies and Gentlemen:

It my pleasure to present you with the Judicial Standards Commission's Annual Report for Fiscal Year 2018. This year marks the Commission's 50th Anniversary of service to New Mexicans and an interesting history of how our agency came into being is included in the Forward to the report.

As the statistics section of the report shows, the Commission had another incredibly productive year. While the demand from complaining parties for the Commission's services remains among the highest levels in its history, the Commission continues to believe that the vast majority of judges in our state demonstrably remain committed to the ethical performance of their duties. However, continued legislative funding for our constitutionally-mandated work remains critical. Our priorities for the upcoming legislative session focus on Commissioner training and restoration of funding for our Investigator position.

The Commission's Executive Director and his staff have continued to provide a high level of support to the Commission. They have distinguished themselves in the work they perform and the recognition that results. This year, Deputy Director Phyllis Dominguez was elected to the Board of Directors for the Association of Judicial Disciplinary Counsel, the national professional association for staff of judicial disciplinary agencies throughout the United States and Canada. Our Executive Director, Randall Roybal, is an emeritus member and past-president. We are proud of their accomplishments and their contributions to this organization.

The dedication and integrity of the entire Commission membership and staff have made it a pleasure and an honor to serve our state as Chair of this Commission.

Sincerely yours,


Joyce Bustos
Chair



FY 2018 ANNUAL REPORT

COMMISSIONERS

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode
Caleb Chandler

Hon. John A. Dean, Jr.
Norman L. Gagne, Esq.

Hon. Alisa A. Hart
Hon. Maurine Laney

Hon. Steven O. Lee
Nancy R. Long, Esq.

Beth Paiz
Kimberli Ronquillo

STAFF

Randall D. Roybal, Esq.
Executive Director & General Counsel

Phyllis A. Dominguez, Esq.
Deputy Director

Deborah L. Borio, Esq.
Senior Investigative Trial Counsel

Evonne Sanchez
Paralegal

Shariesse T. McCannon
Clerk of the Commission & Paralegal

Krista M. Ganes-Chavez
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Susan M. Torres
Investigation & Clerk Specialist

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Judicial Standards Commission



FORWARD

1968–2018: 50 YEARS OF DEDICATED SERVICE TO NEW MEXICO

The New Mexico Supreme Court has repeatedly recognized that judges are held to a higher standard of conduct than other officials and must expect to be the subject of constant public scrutiny. The prestige and power inherent in judicial service are not without boundary or review, but instead come with profound responsibilities and substantial accountability. When judicial behavior violates the standards and rules established by the Supreme Court, the Judicial Standards Commission is mandated by Article VI, Section 32 of the New Mexico Constitution to investigate, hold evidentiary hearings, and make recommendations for a judge's discipline, removal, or involuntary retirement.

The first state judicial disciplinary agency was created in California in 1960. The only way to address judicial misconduct or disability before that time was to seek the judge's removal from office, either through impeachment by the state legislature or at the ballot box through regular or recall elections. Because of the long, difficult, and expensive nature of these attempts, and since not all (if not most) transgressions clearly do not require an elected judge to be removed from office when less severe, educational, or rehabilitative remedies may suffice, another avenue for redress was needed. By 1972 more than half of the states had created judicial disciplinary agencies, with the last created in 1989.

In New Mexico the issue was first raised during the constitution revision process in 1964 and again in 1967. As noted in the 1964 report of the revision commission, "The present system of reliance upon impeachment as the exclusive method of supervision of conduct of judges during their term of office is inadequate and should be supplemented [by an] independent commission of layment, judges, and lawyers." 1964 Report of the Constitutional Revision Commission at 117. The 1967 report further stated, "In order to achieve an efficient and well disciplined judicial system possessing the highest degree of integrity, it is felt that an independent commission is necessary to oversee and investigate performance, conduct and fitness of members of the judiciary." 1967 Report of the Constitutional Revision Commission at 88.

The matter was presented to the People of the State of New Mexico in the 1967 general election as a proposed amendment to the constitution and passed, and thus the Judicial Standards Commission was created and began in 1968. The Commission was empowered to investigate allegations of misconduct and disability against all state, county and municipal judges, hold evidentiary hearings when necessary, and make recommendations for the discipline, involuntary retirement, or removal from judicial office. The New Mexico Supreme Court may accept, reject, or modify the Commission's recommendations, and is the only body empowered to impose sanctions.

Our Judicial Standards Commission, like its sister judicial disciplinary agencies throughout the United States, promotes judicial independence by ensuring that judges are held accountable for misbehavior, instead of discretionary decisions which are only addressed by appellate courts. The Commission has no role in decisional accountability, which is generally achieved through the appellate process or at the ballot box.

Also like other agencies of its type, the Judicial Standards Commission's primary purpose is first and foremost to promote the rule of law and preserve public confidence in our judiciary by protecting the public from improper judicial behavior and unfitness for office. While the public interest is clearly paramount in the legislative history and constitutional composition of the membership, the Commission works equally to protect judges from appellate-natured, unsubstantiated, frivolous complaints. It is the Commission's dedication to this delicate balance which helps preserve confidence in our courts and the women and men holding these critical positions of public trust and responsibility.

In the fifty years that the Judicial Standards Commission has served New Mexicans, much has changed in the world, our state, and our courts. However, the many private citizens, judges, and lawyers who have served on this Commission over the years, and those of us on staff, have served with great dedication, expertise, and diligence. Our agency has grown from a small, obscure agency into one of the leading organizations of its type in the United States. Our members and staff are regularly invited to speak at local, state, and national conferences and have been repeatedly elected to national leadership positions in the field.

As part of its national investigation in 2015, the Center for Public Integrity (www.publicintegrity.org) ranked New Mexico third best in the nation in judicial accountability. Their report specifically credited our Commission for part of the state's high ranking:

And in terms of judicial accountability, New Mexico is third in the nation. That's partly because of the work of the Judicial Standards Commission, the independent agency that handles allegations of misconduct against judges and has succeeded in educating, reprimanding or removing judges who are found to have acted improperly.

New Mexicans should be extremely proud of the high quality of its judiciary and the high level of accountability to which it is held. Our courts are among the best in the nation, staffed with bright, skilled, and talented judges and employees. The members and staff of the Judicial Standards Commission work tirelessly to ensure this continues well into the future.

RANDALL D. ROYBAL
Executive Director



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COMMISSIONER TERMS & POSITIONS

As set forth in Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated Sections 34-10-1 through -4, the Judicial Standards Commission is composed of thirteen members. Seven members are public members appointed by the Governor; two members are attorneys appointed by the Board of Bar Commissioners; two members are justices or judges of the New Mexico Supreme Court, Court of Appeals or District Courts appointed by the Supreme Court; one member is a magistrate judge appointed by the Supreme Court; and one member is a municipal judge appointed by the Supreme Court. Public members are appointed to staggered five-year terms, while attorney and judicial members are appointed to staggered four-year terms. Commissioners are not paid a salary, but receive *per diem* and reimbursement for expenses as provided by law. Each year the Commissioners elect a Chair and Vice-Chair from the public members. Pursuant to NMSA §34-10-1(A), no more than three of the seven positions appointed by the Governor may be occupied by persons from the same political party. Party affiliations are noted below in parentheses for the gubernatorial appointees.

STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2018

See NMSA 1978, §34-10-1 (amended 1999)

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Statutory Term</u>
1	Kimberli Ronquillo (R)	Governor	07/01/14–06/30/19
2	Caleb Chandler (R)	Governor	07/01/15–06/30/20
3	John Bode (I)	Governor	07/01/16–06/30/21
4	Beth Paiz (R)*	Governor	07/01/12–06/30/17
5	Joyce Bustos (D)	Governor	07/01/13–06/30/18
6	Ruth M. Schifani, Esq.	State Bar	07/01/14–06/30/18
7	Norman L. Gagne, Esq.	State Bar	07/01/16–06/30/20
8	Hon. John A. Dean, Jr.	Supreme Court	07/01/15–06/30/19
9	Hon. Alisa A. Hart	Supreme Court	07/01/17–06/30/21
10	Malinda Williams (D)*	Governor	07/01/09–06/30/14
11	Hon. Maurine Laney	Supreme Court	07/01/15–06/30/19
12	VACANT	Governor	07/01/13–06/30/18
13	Hon. Steven O. Lee	Supreme Court	07/01/17–06/30/21

**Denotes that Commissioner was awaiting gubernatorial reappointment or replacement and held over past term expiration as provided by law.*

COMMISSIONERS & STAFF



COMMISSION MEMBERS

AS OF JUNE 30, 2018

JOHN BODE was appointed to the Commission by Governor Susana Martinez in December 2012, and re-appointed in July 2016. He is the Chairman of Albuquerque-based Bode Aviation, Inc.



JOYCE BUSTOS was appointed to the Commission by Governor Susana Martinez in April 2011 and reappointed in July 2013. She currently serves as Chair of the Commission. Mrs. Bustos grew up in Chimayo, New Mexico, and graduated from McCurdy High School. Mrs. Bustos received a Bachelor of Science degree in secondary education in 1977, and a Masters degree in Public Administration (Criminal Justice concentration) in 1988 from the University of New Mexico. She retired from New Mexico state government after 25 years of service, primarily in the criminal justice system. She was employed by the New Mexico Department of Corrections for 11 years, the Department of Public Safety for 3 years, and as the

Director of the Administrative Office of the District Attorneys for 10 years. She is currently an independent criminal justice consultant.

CALEB CHANDLER was appointed to the Commission by Governor Susana Martinez in April 2018. He served on the Curry County NM Board of County Commissioners for four years, and was Vice-Chairman and Chairman of that Board. Caleb also served as Chairman of the New Mexico County Commission Affiliate of the New Mexico Association of Counties. He served as a New Mexico State Senator from 1977 thru 1989, while employed as a law enforcement officer for the Clovis, New Mexico Police Department. Mr. Chandler served 24 years with the Clovis Police Department which included his last nine years as Police Chief. He also served as Curry County Magistrate Judge for 12 years and was President of the New Mexico Metro and Magistrate Judges Association. He then served as a Court Consultant under contract with the Administrative Office of the Courts, training judges and creating case management systems in courts. He managed a farm and dairy operation for five years and was the owner/operator of Rocking Cs Cattle Company from 1990 until 2002. Mr. Chandler previously served as the Secretary of the New Mexico Canadian River Compact Commission, Chairman of the New Mexico DWI Grant Council, member of the New Mexico Judicial Performance Evaluation Commission, Board Member of the Curry County Chamber of Commerce, the Secretary of the Eastern New Mexico Water Utility Authority, and many other boards and commissions.



NORMAN L. GAGNE, ESQ. was reappointed to the Commission by the New Mexico State Bar Board of Bar Commissioners in July 2016. A 1974 graduate of the University of New Mexico Law School, Mr. Gagne was a Shareholder and Director of Butt Thornton & Baehr PC, his professional home for forty years. He became "of counsel" January 1, 2009. He had served the firm

on its Executive Committee, as Treasurer and as President and Managing Director. He started the firm's in-house training program and taught there even after retirement. Mr. Gagne has litigated and tried civil cases throughout New Mexico and in Federal Court. He now limits his practice to mediating litigated cases and to facilitating group meetings and conflict management. He is rated "AV", the highest rating, by Martindale-Hubbell Bar Register of Preeminent Lawyers. Mr. Gagne has served in various non-profit, community organizations including the KNME Board of Community Advisors, New Mexico Symphony Orchestra Board, Chamber Music Albuquerque Board (Vice President), Southeast Heights Neighborhood Association Board (President), New Mexico Cancer Center Foundation (President) and Albuquerque Emergency Medical Services Authority, among others. Mr. Gagne enjoys trail running and has completed twenty-two consecutive La Luz Trail Runs and other, longer trail races in New Mexico and Colorado, such as the Leadville Marathon, the Jemez Mountain Trail Runs 50K, the Imogene Pass Run and others. He also enjoys hiking and backpacking with his family, is an accomplished and award-winning photographer, plays the cello, draws and occasionally is a classical music DJ. He has presented at continuing legal education seminars at the annual meeting of the New Mexico State Bar and other venues on various topics in alternative dispute resolution.

HON. ALISA A. HART was appointed to the Commission by the New Mexico Supreme Court in July 2017. She is a Criminal Court District Judge in Division 21 of the Second Judicial District for Bernalillo County. Judge Hart was appointed to the Domestic Violence Division of Family Court in 2010 after being recommended by the Judicial Selection Commission. From 2004 to 2010 she served as a Domestic Violence Special Commissioner, and is the former Director of the Family Assessment Intervention Resources ("FAIR") Program, a collaboration with the Courts and University of New Mexico Psychology Department that assisted families experiencing domestic violence. From 1996 to 2004, Judge Hart was in private practice where she specialized in criminal and family law. She also served as a prosecutor and a public defender. Judge Hart is a graduate of the Hofstra University Law School.



HON. JOHN A. DEAN, JR. was appointed to the Commission by the New Mexico Supreme Court in July 2015. Judge Dean has been a District Judge in the Eleventh Judicial District (McKinley and San Juan Counties) since 2003. Judge Dean served two terms as Chief Judge of the Eleventh Judicial District Court. He earned his undergraduate degree and his law degree from the University of New Mexico. After graduation he practiced for several years in Albuquerque before moving home to Farmington, where he had a private practice for twenty-four years. He served eight years as Domestic Violence Commissioner and three years as Domestic Relations Hearing Officer. Prior to being appointed to the bench he served one term as a San Juan County Commissioner, three years as chair, and was elected President of the New Mexico Association of Counties, the

Northwest New Mexico Council of Governments, and appointed to numerous other boards and committees. Judge Dean is married to Gayle and has two children and two grandchildren.

HON. STEVEN O. LEE was appointed to the Commission by the New Mexico Supreme Court in July 2013. A native New Mexican, Judge Lee is a former Marine and Vietnam veteran and was awarded the Purple Heart. Upon discharge from the Marine Corps, he attended New Mexico State University and graduated with an associate degree in criminal justice, and studied law at Taft University School of Law. He began working with the Alamogordo Department of Public Safety and retired as Chief in 1998. He was elected Municipal Judge of Alamogordo in 2002 and is now in his fourth term. Judge Lee is a past-President



of the Municipal Judges' Association and serves as Chair of the Education Committee. He has been appointed by the New Mexico Supreme Court to serve on the Judicial Education and Training Advisory Committee, the Rules Committee for Courts of Limited Jurisdiction, and is the first municipal judge to be appointed to the Judicial Standards Commission.



HON. MAURINE LANEY was appointed to the Commission by the New Mexico Supreme Court in July 2015. Judge Laney has served as Magistrate Judge in the Grant County Division I Magistrate Court in Silver City, New Mexico since 2011. Judge Laney began her career in the magistrate courts, fresh out of high school in 1992 as a court clerk, and over the last 24 years has held the positions of judicial specialist, DWI clerk, Warrant Enforcement Specialist, and was Court Manager from 2004 to 2010. She is a member of the Judicial Education Center's training faculty, where she has taught workshops on Civil Case Processing, Advanced Civil Procedures, Landlord Tenant, and Domestic Violence cases at the New Mexico Judicial Education Center's Magistrate Clerks' Conference, Magistrate Judges' Conference, and New Judge Training. She is a board member of the New Mexico Magistrate Judges' Association, and currently serves on the Judicial Personnel Rules Committee, and Odyssey Judges' User Group Committee. In her local community, Judge Laney also serves on the Grant County Community Health Council, Juvenile Justice Strategic Planning Council, and the Kiwanis Club of Silver City.

BETH PAIZ was appointed to the Commission by Governor Susana Martinez in February 2012 and reappointed in July 2012. She has been a life-long law enforcement officer. Prior to her retirement in May 2012, she was the highest ranking female officer of the Albuquerque Police Department as the Deputy Chief of Field Services. Beginning her career in 1994 as a patrol officer, Chief Paiz has worked her way through the ranks of the Albuquerque Police Department and her assignments have included White Collar Crime Unit, APD Spokesperson, Crimes Against Children Unit, Juvenile Section, Prisoner Transport Section, Valley Watch Commander, Northeast Area Commander and Deputy Chief of Investigations and Field Services. Chief Paiz earned a bachelor's degree from New Mexico State University in 1991. Currently, she is the Vice President of Mustang Construction, Inc. She is married with two children and lives in the South Valley of Albuquerque. She enjoys physical fitness, travel, volunteering as a horse groomer and supporting her children in their after school activities.



KIMBERLI RONQUILLO was appointed to the Commission by Governor Susana Martinez in May 2016. She has enjoyed a successful career working with the top community leaders in Albuquerque. She has been employed by Farm Credit of New Mexico—the largest agricultural lender in the state—for almost seven years as an Assistant Vice President, supporting the executive team and the Board of Directors as the Executive Assistant/Corporate Secretary. Prior to that, she was with Wells Fargo Bank for 30 years. During the last 15 years of her tenure at Wells Fargo, she was an Assistant Vice President, supporting the Regional President. She has volunteered as a CASA (Court Appointed Special Advocate), has organized various fund raisers, recognition events, and served on many school boards. Her two amazing children are her proudest accomplishment.

RUTH M. SCHIFANI, ESQ., was appointed to the Commission by the New Mexico Board of Bar Commissioners in 2014. A graduate of the University of New Mexico School of Law, she is a shareholder with Modrall Sperling. She previously served as Head of the firm's Transactions Department; Chair of the Corporate, Banking and Real Estate Practice Group; and Chair of the Client Relations Committee. She has also served as the firm's Secretary /Treasurer and as a member of the Executive Committee. Ruth has been selected by *Best Lawyers of America*® continuously since 2003, *Chambers USA* since 2004, and *Southwest Super Lawyers of America*® since 2007. She is a Fellow of the American College of Mortgage Attorneys. Ruth served as Treasurer of New Mexico Appleseed Board. She previously served as President of the University of New Mexico Alumni Association, President of the Y.W.C.A. of the Middle Rio Grande, and as a member of the Judicial Performance Evaluation Commission for 12 years.



MALINDA WILLIAMS was appointed to the Commission by Governor Susana Martinez in July 2014. She has been employed since 1994 with Community Against Violence, Inc. (CAV), a progressive, successful non-profit agency serving adult and child survivors of sexual and domestic violence, and child abuse in northern New Mexico. She has served as the organization's Executive Director since 1997. Ms. Williams has served on numerous boards and commissions, often in a leadership position, and has presented at state and national forums and conferences. She is active in local and statewide committees, planning groups, and councils working on issues pertaining to social justice, coalition building, and community organizing to find solutions for ending domestic and sexual violence and child abuse.

CHAIRS OF THE COMMISSION

JOYCE BUSTOS, February 2012–Present
LARRY TACKMAN, April 2011–February 2012
DAVID S. SMOAK, August 2004–March 2011
HON. DAN SOSA, JR. , October 2003–August 2004
DOUGLAS W. TURNER, July 2001–March 2003
BARBARA A. GANDY, August 1999–June 2001
DOUGLAS W. TURNER, April 1997–August 1999
ELEANOR SELIGMAN, February 1996–April 1997
DONALD PERKINS, August 1994–February 1996
FRED HARRIS, July 1992–August 1994
PEGGY C. TRAVER, September 1991–June 1992
HUBERT QUINTANA, July 1989–September 1991
HARRY THOMAS, June 1985–July 1989
JUNE O. KELLER, December 1984–June 1985
ALBERT N. JOHNSON, August 1983–December 1984
ELOY A. DURAN, September 1982–August 1983
SUSAN S. DIXON, July 1981–September 1982
LUCY M. SALAZAR, August 1980–July 1981
LOIS CHAPMAN, July 1979–August 1980
LUCY M. SALAZAR, August 1977–July 1979
DORIS WAKELAND, July 1975–August 1977
RICHARD VANN, June 1974–June 1975
LUCY M. SALAZAR, October 1972–June 1974
MORRIS E. H. BINGHAM, June 1970–October 1972
BOYD WEST, November 1969–June 1970
LUTHER A. SIZEMORE, July 1968–November 1969

EXECUTIVE DIRECTORS OF THE COMMISSION

RANDALL D. ROYBAL, ESQ.
August 2009–Present

JAMES A. NOEL, ESQ.
January 2004–June 2009

PEG A. HOLGUIN, ESQ.
July 1993–October 2003

SAMUEL W. JONES, ESQ.
September 1984–June 1993

DAVID R. GARDNER, ESQ.
October 1974–September 1984



COMMISSION STAFF MEMBERS

EXECUTIVE DIRECTOR & GENERAL COUNSEL

RANDALL D. ROYBAL, ESQ. joined the Commission staff in February 1998 and serves as Executive Director, General Counsel, and Chief Financial Officer. Mr. Roybal is a past President of the Association of Judicial Disciplinary Counsel (the international professional association of judicial disciplinary agency directors, counsel, investigators, and staff) and was elected and served three terms. He also served as Vice-President from 2009-2011 and Board of Directors Member since 2007 to present. Mr. Roybal is a frequent presenter at judicial education programs concerning judicial conduct and ethics issues at national, regional and local programs. He also been a member of the New Mexico State Bar since 1991. Prior to his work in judicial ethics and discipline, Mr. Roybal served as an Assistant Attorney General to New Mexico Attorney General Tom Udall where he conducted defense litigation, administrative licensing prosecutions before state boards and commissions, judicial writ defense, and complex prison reform litigation. Before entering public service, Mr. Roybal practiced law privately for five years, first as an associate at an insurance defense firm then as a solo practitioner. He earned his undergraduate degree in economics in 1988 from the University of New Mexico where he was a Presidential Scholar, and his law degree in 1991 from the University of Notre Dame where he was the top-ranking member of the National Moot Court Team.



DEPUTY DIRECTOR

PHYLLIS A. DOMINGUEZ, ESQ. joined the Commission staff in January 2012 and serves as Deputy Director. She is a member of the Association of Judicial Disciplinary Counsel, and was elected to its Board of Directors in 2018. She earned a bachelor of science degree in education in 1993 from the University of New Mexico, and a juris doctor degree in 2003 from the University of New Mexico School Law. Prior to joining the Commission, she served as a prosecutor specializing in adult sexual assault cases and later as assistant supervisor in the Domestic Violence Division in the Second Judicial District Attorney's Office. Ms. Dominguez also served as a prosecutor in the Thirteenth Judicial District. She briefly worked for the New Mexico Corrections Department and worked as a guardian *ad litem* with Advocacy, Inc. She served for five years on the Judicial Performance Evaluation Commission, was a member of the Sandoval County Bar Association, and served on the Board of Directors for the Albuquerque Sexual Assault Nurse Examiners (SANE) Collaborative.



SENIOR INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ. joined the Commission staff in October 2012 and serves as Senior Investigative Trial Counsel. She is a member of the Association of Judicial Disciplinary Counsel. Prior to joining the Commission, she served as a prosecutor in the Crimes Against Children and Metro Divisions at the



Second Judicial District Attorney's Office. Ms. Borio also served as an Assistant City Attorney in the Litigation Division for the City of Albuquerque, defending police officers in civil suits alleging constitutional rights deprivation and related state tort claims. Ms. Borio earned a bachelor of arts degree in psychology and sociology from Huntingdon College in 1980, a master of education degree in counseling and personnel services from the University of Maryland—European Division in 1984, and a juris doctor degree from the University of New Mexico School of Law in 2008. Before becoming an attorney, Ms. Borio served over 23 years in the United States Air Force as a Security Police/Security Forces officer and commanded several military police organizations. Ms. Borio is also licensed to practice law in Texas.

PARALEGAL

EVONNE SANCHEZ joined the Commission in 2004 as a Paralegal. She earned her paralegal certificate from the University of New Mexico in 1996 and has been an active member of the Paralegal Division of the State Bar of New Mexico since 2000. She is the former Chair of the Paralegal Division for 2012 and served as Chair on the Committee for Continuing Legal Education programs from 2008-2014. She served on the State Bar of New Mexico Board of Bar Commissioners for 2012 and 2013. She was a member of the Awards Committee for the State Bar annual meeting and serves on the Supreme Court Commission on Professionalism. She is a member of the Association of Judicial Disciplinary Counsel. Ms. Sanchez is a native New Mexican and has legal assistant and paralegal experience spanning over 29 years. Prior to joining the Commission staff, the majority of Ms. Sanchez' legal work was performed as a paralegal and office manager for an Albuquerque law firm specializing in criminal defense. Ms. Sanchez also has substantial experience in the areas of personal injury and civil litigation.



CLERK OF THE COMMISSION & PARALEGAL

SHARIESSE TAYLOR MCCANNON joined the Commission staff in 2004 and serves as Clerk of the Commission & Paralegal. She also serves as Human Resources Manager. Ms. McCannon graduated from Eldorado High School in Albuquerque, attended the University of New Mexico, and earned her diploma in Computer Information Systems from Albuquerque Technical-Vocational Institute in 1981. Ms. McCannon earned her Accredited Legal Secretary (ALS) certificate in 1995 from the National Association of Legal Secretaries. She has experience as a legal assistant and paralegal dating back to 1990. Prior to joining the Commission, Ms. McCannon was employed as a paralegal for a prominent Albuquerque plaintiffs' law firm, concentrating in mass tort litigation, personal injury, and nursing home litigation. Ms. McCannon is involved in her community, founding and serving as President/Treasurer/board member of her neighborhood association since 1989.



DEPUTY CHIEF FINANCIAL OFFICER

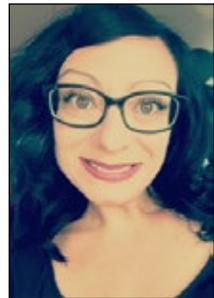
KRISTA M. GIANES-CHAVEZ joined the Commission staff in 2005 as Paralegal/Financial Specialist and currently serves as Deputy Chief Financial Officer. She earned an associate of applied science degree in paralegal studies from the Albuquerque Technical Vocational Institute in 2006. She has been an active member of the Paralegal Division of the State Bar of New Mexico since



2010. She was elected to the Paralegal Division Board in 2010 and served until she was elected Chair in 2013. Krista was chair to the Membership Committee (2012-2014), Professional Development Committee (2012-2014), and CLE Co-Coordinator (2010-2014). She served as Immediate Past Chair of the Paralegal Division in 2014. In 2014 Ms. Ganes-Chavez had the pleasure of serving as a Bar Commissioner of the New Mexico State Bar, where she was also a member on the Awards Committee. In 2013 she joined with the Young Lawyers Division to begin a monthly Veterans Initiative Clinic, which is still going strong today. In 2007 she was appointed to the Paralegal Advisory Committee for Central New Mexico Community College and continues to serve to date. Ms. Ganes-Chavez is also the President of the Albuquerque Chapter of the Association of Government Accountants (AGA). She has been an AGA member since 2009, served as an Executive Committee member in 2015, and as Historian in 2016. Prior to joining the Commission staff, Ms. Ganes-Chavez served for three years as a court clerk to Hon. Marie Baca of the Second Judicial District Court, Children's Court Division.

INVESTIGATION & CLERK SPECIALIST

SUSAN M. TORRES joined the Commission staff in February 2014 as the Law Office Specialist and in January 2016 she was promoted to the Commission's Investigation & Clerk Specialist. She graduated from Cibola High School in 1998 and earned her associate's degree in Paralegal Studies from Metropolitan College in 2002. Prior to joining the Commission staff, Ms. Torres worked for the Second Judicial District Attorney's Office since March of 2006, and served the community as a Felony Victims Advocate, helping victims and their families through the court system. She worked primarily in the Crimes Against Children Division and as the Sexual Assault Advocate for all cases reported in Bernalillo County. She attended numerous conferences, seminars and workshops in those areas of crime, as well as participated in a Multi-Disciplinary Team for Bernalillo County to bring awareness to, and prevention of, sexual assaults. As part of her work, Ms. Torres was a Primary On-Call Advocate who worked alongside the Albuquerque Police Department, the Bernalillo County Sheriff's Department and the New Mexico State Police, to deliver death notifications and information to the families of homicide victims. She also worked briefly as a Trial Court Administrative Assistant for both the Bernalillo County Metropolitan Court and the Second Judicial District Court. Ms. Torres is also currently on contract with Albuquerque Sexual Assault Nurse Examiners (SANE) as a Research Assistant on a grant through the University of North Carolina.





ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated §§34-10-1, et seq., authorize the Judicial Standards Commission to investigate complaints involving allegations of willful misconduct in office; persistent failure or inability to perform judicial duties; habitual intemperance; and disability seriously interfering with the performance of judicial duties which is, or is likely to become, of a permanent character.



The Commission's constitutional authority, statutory authority, and the Code of Judicial Conduct are available on the Commission's website, www.nmjsc.org, under Resources > Governing Provisions of Law.

The Commission's jurisdiction extends over complaints made against currently serving Justices of the Supreme Court and all other judges within the state judicial branch, including the Court of Appeals, district courts, metropolitan court, magistrate courts, probate courts, and municipal courts. The Commission does not have jurisdiction over special

masters, special commissioners, hearing officers, federal judges, Workers' Compensation Administration judges, other administrative law judges, or attorneys. When necessary, the Commission holds evidentiary hearings (trials) and, if allegations are proven, recommends appropriate sanctions to the New Mexico Supreme Court.

CONFIDENTIALITY

Article VI, Section 32 of the New Mexico Constitution mandates that "[a]ll papers filed with the commission or its masters, and proceedings before the commission or its masters, are confidential. The filing of papers and giving of testimony before the commission or its masters is privileged in any action for defamation, except that the record filed by the commission in the supreme court continues privileged but, upon its filing, loses its confidential character, and a writing that was privileged prior to its filing with the commission or its masters does not lose its privilege by the filing." Confidentiality requirements do not apply to third-party complainants. The New Mexico Supreme Court's files and hearings are accessible to the public unless sealed by the Court pursuant to the rules and orders of the Court. *See*, NMRA 27-104. A complainant's name may be disclosed to the judge who is the subject of the complaint. A complainant may be called to participate and/or testify in Commission proceedings.

Commission staff cannot respond to requests for information regarding a complaint or any other proceeding before the Commission. However, a complainant will receive written notice of the ultimate outcome of the complaint, subject to the limits of confidentiality.

ACTIONS THE COMMISSION CANNOT TAKE

The Commission is not an appellate court. The Commission cannot change any judge's ruling, intervene in litigation on behalf of a party, affect the outcome of a court case, or remove a judge from a case. The filing of a complaint with the Commission does not by itself require a judge to recuse or be disqualified from an underlying court case. The Commission and its staff do not provide legal advice.

FILING, REVIEW AND INVESTIGATION OF COMPLAINTS

Anyone may file a complaint against a judge using the Commission's complaint form. The Commission may also docket allegations on its own motion. The Judicial Standards Commission Rules require that complaints be verified (i.e., substantiated by oath and notarized). The Commission may undertake an investigation on its own motion when it has credible knowledge of misconduct by, or disability of, a judge.

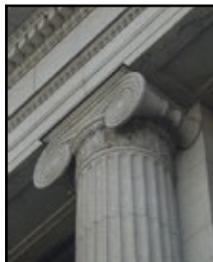
Inquiries about complaint procedures may be made in writing or by telephone. When a complaint is received, the Commission and/or its staff will review the complaint to determine if it falls within the Commission's jurisdiction. After determining that jurisdiction exists, the Commission may conduct an initial inquiry. The Commission may direct staff to conduct additional investigation, if necessary.

Judges are not notified of frivolous or unsubstantiated complaints, or complaints that are extra-jurisdictional or appellate in nature. Such cases are typically dismissed after review by the Commission.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

Initial Inquiry. If it is determined that the complaint, report or other information about the judge's conduct could constitute misconduct, the Executive Director and/or Commission staff may conduct a confidential inquiry. If it is determined after initial inquiry that there are insufficient grounds to proceed, the case will be closed. The complainant will be informed of the disposition. A closure of the matter at this stage of the Commission's proceedings remains confidential.

Preliminary Investigation. If the complaint appears to allege facts not obviously frivolous or unfounded, and to indicate a disability or violation of the New Mexico Code of Judicial Conduct,



A flow chart of the Commission process, the Commission's procedural rules, and the Supreme Court's procedural rules for review of Commission cases may all be found on the Commission's website.

the Commission may complete a preliminary investigation to determine whether formal proceedings should be initiated and a hearing held. The Commission may also initiate a preliminary investigation on its own motion. The judge will be notified with a Notice of Preliminary Investigation that sets forth the nature of the complaint. The judge must respond in writing to the Notice of Preliminary Investigation.

If it is determined after preliminary investigation that there are insufficient grounds to proceed, the case will be closed and the complainant and the judge will be informed of the disposition. A matter closed at this stage of the Commission's proceedings remains confidential.

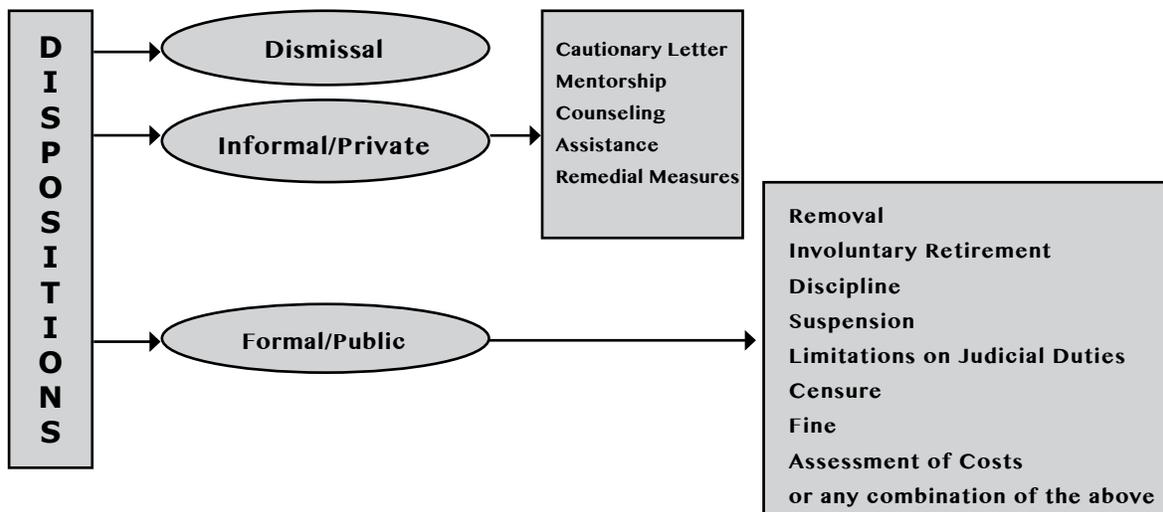
Formal Proceedings. If at least seven of the thirteen members of the Commission vote to begin formal proceedings, a Notice of Formal Proceedings will be issued and served upon the judge. The Notice of Formal Proceedings will contain the charges alleged, the facts upon which the charges are based, the laws, canons and rules allegedly violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings. After service of a Notice of Formal Proceedings, the Commission’s jurisdiction attaches and is not affected by subsequent resignation or retirement from office. The judge’s answer to the Notice of Formal Proceedings shall be in writing and verified.

Upon filing and issuance of the Notice of Formal Proceedings, the Commission will set the matter for a hearing on the merits. The Commission may hear the case itself or appoint three judges as special masters to hear the matter, take evidence, and report their findings to the Commission. The formal hearing is a closed hearing. The judge has a right to and is given a reasonable opportunity to defend with evidence, to be represented by counsel, and to examine and cross-examine witnesses. The standard of proof is clear and convincing evidence. At least seven Commissioners must agree on a determination of misconduct and in recommending removal, retirement or discipline of a judge to the New Mexico Supreme Court.

If the Commission determines at any time prior to the conclusion of the formal proceedings that there is insufficient evidence to support allegations against the judge, those allegations will be dismissed. In some cases, the Commission has found evidence of wrongdoing, but has determined that the judge’s actions were the result of misunderstanding, rather than willful misconduct. In those situations, the judge may be referred for counseling to the Supreme Court or to a judge having supervisory authority.

Dispositions. The Commission may dispose of a case by dismissing it, privately informing the judge that the conduct may violate the standards of judicial conduct, and/or proposing mentorship, professional counseling, assistance, or other remedial measures for the judge.

Sanctions. If the Commission votes to recommend to the New Mexico Supreme Court that a judge should be sanctioned, the following sanctions are available: removal, retirement, discipline (suspension, limitations or conditions on judicial duties, censure, fine, and assessment of costs and expenses), or any combination of the above. The Supreme Court may set a hearing on the Commission’s recommendations. The Court will render a decision adopting, rejecting, or modifying the recommendations of the Commission or requiring some other action.



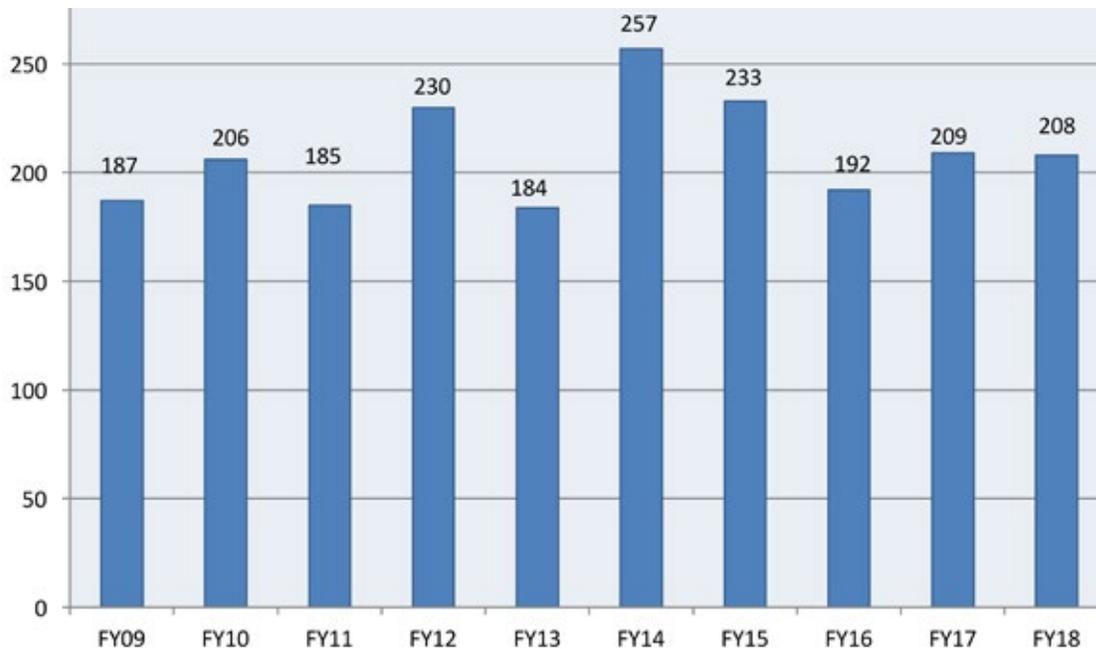


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2017–JUNE 30, 2018

COMPLAINTS RECEIVED

In FY 2018 the Commission received 208 written complaints, which is comprised of the following: 173 verified complaints (includes Commission-initiated and reopened inquiries) and 35 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS

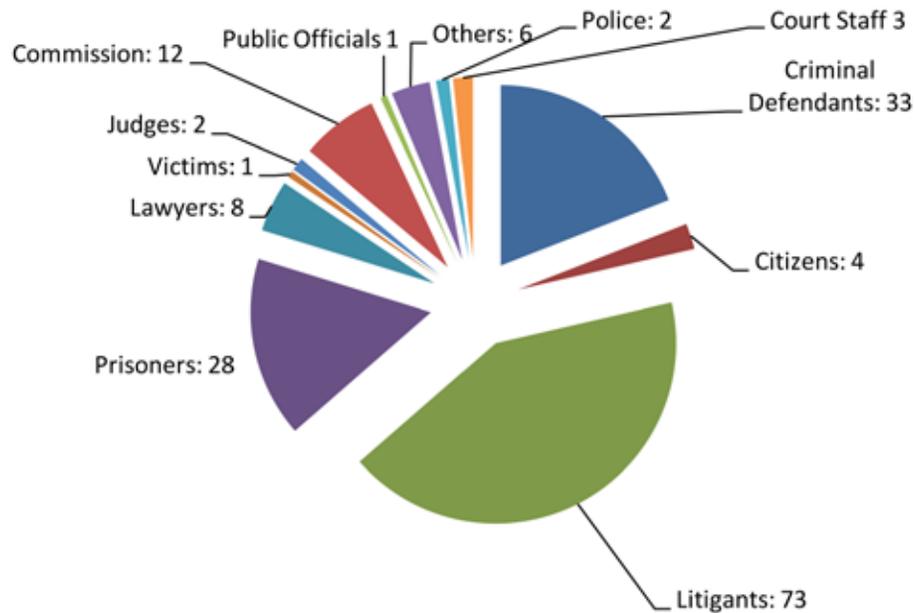


The Commission has a screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request them. Complaint forms and detailed filing instructions are available to download from the Commission's website, both in English and Spanish. The complaint may be filled out online, but all forms are still required to be filed with original, notarized signature.

SOURCES OF VERIFIED COMPLAINTS

Of the 173 verified complaints filed with the Commission, the distribution of the sources of written, verified complaints was the following: 73 by litigants or their family/friends, 33 by criminal defendants or their family/friends, 4 by citizens, 1 by a public official, 8 by lawyers, 2 by judges, 2 by police, 28 by prisoners, 1 by a victim, 3 by court staff, and 6 by others. Additionally, 12 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



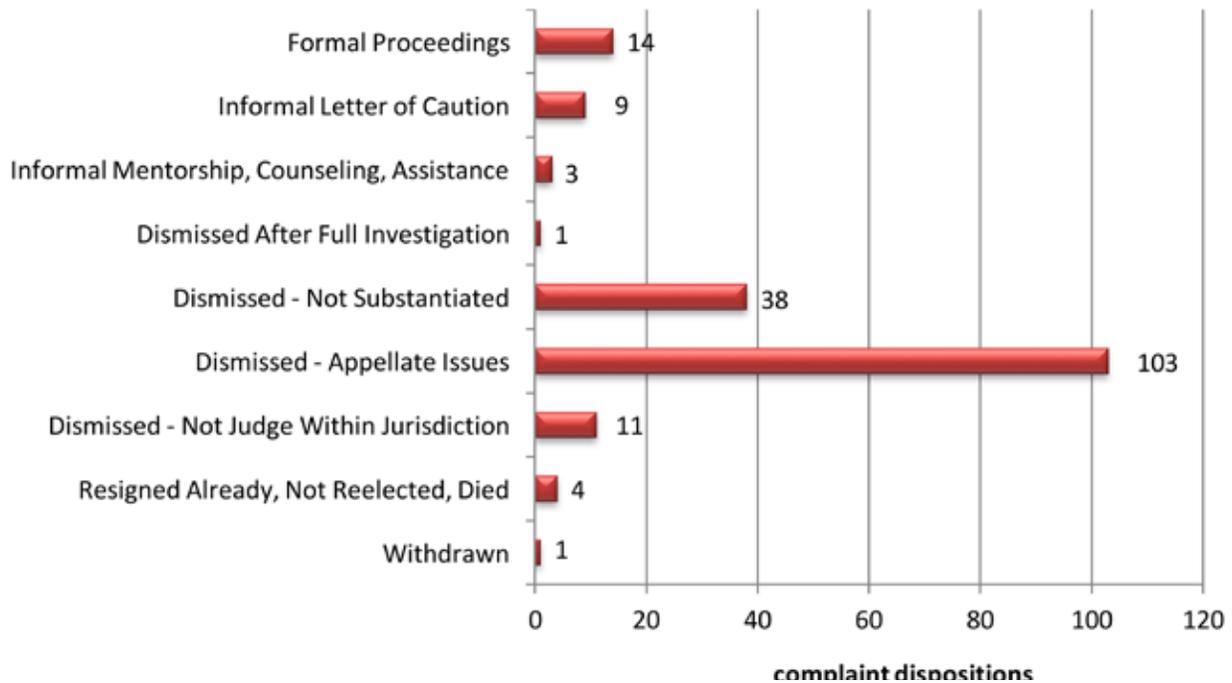
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	7	4.0%
Court of Appeals	1	0.6%
District Court	87	50.3%
Metropolitan Court	20	11.6%
Magistrate Court	35	20.2%
Municipal Court	13	7.5%
Probate Court	4	2.3%
Not a Judge	6	3.5%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY 2018 (July 1, 2017)	60
New Written/Verified Complaints and Inquiries in FY 2018	173
Inquiries Concluded in FY 2018	(184)
Inquiries Pending at End of FY 2018 (June 30, 2018)	49

Of the 184 cases disposed in FY 2018, the Commission concluded 14 cases (involving 4 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 9 informal letters of caution. 103 cases were dismissed as appellate, 11 cases because they concerned individuals beyond the Commission’s jurisdiction, and 38 cases as unsubstantiated. In 3 cases involving 3 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. 4 cases were dismissed because the judges died, resigned, or were not reelected, 1 matter was dismissed after investigation, and 1 matter was withdrawn by the complainant. The graph below illustrates the FY 2018 case dispositions.

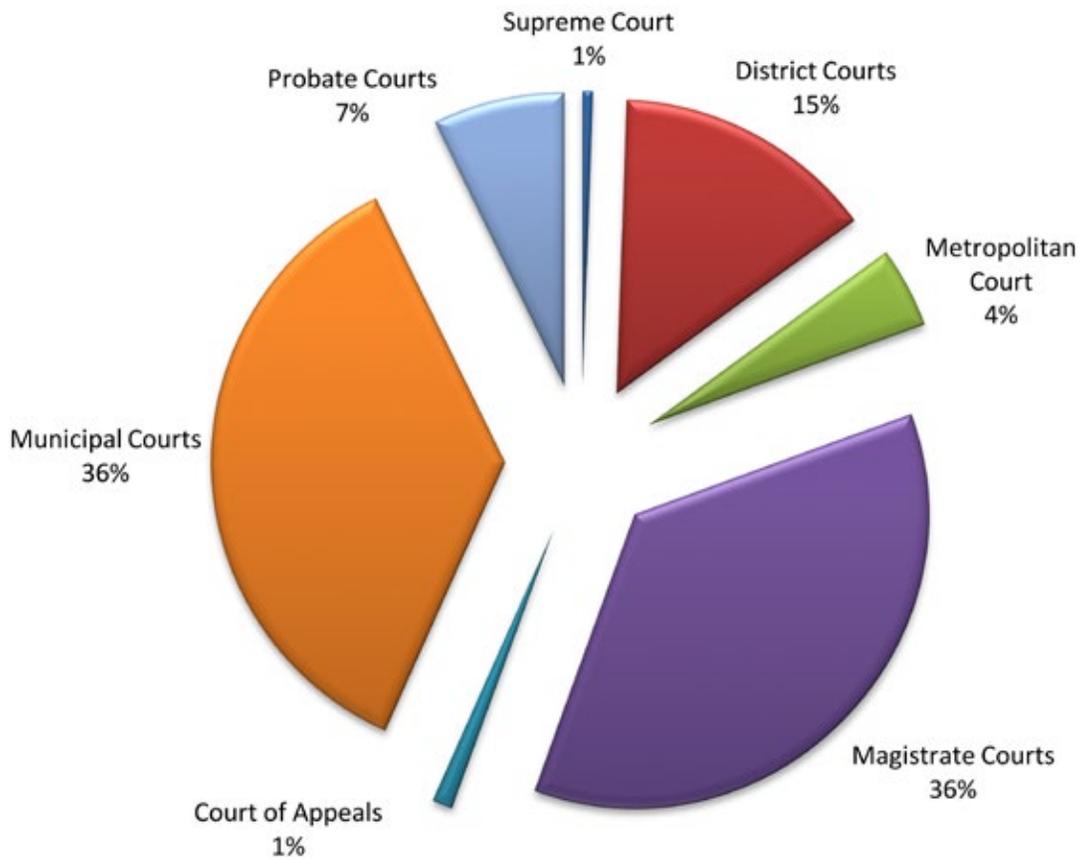


HISTORICAL CASES FILED IN THE SUPREME COURT

From July 1, 1968 through June 30, 2018, the Commission filed 166 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 134 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the State’s highest court. Of the judicial branches concerned, the Commission’s petitions to the Supreme Court involved the following levels of the State Judiciary in order of the most filings: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and Supreme Court.

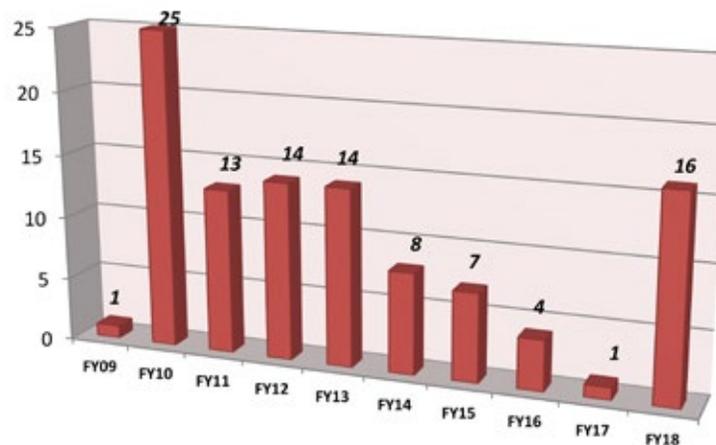
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2018, 16 cases involving 5 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 202 cases concerning 93 judges after respondent judges' termination of judicial office. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission had issued formal charges and then filed and requested action by the Supreme Court. Following is a ten-year history of cases disposed:



HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case not warranting dismissal, the Commission may dispose of a matter informally. Informal dispositions are not filed with the Supreme Court and remain confidential pursuant to Article VI, Section 32 of the New Mexico Constitution. Allegations disposed of informally were found to merit notice to the judge, but due to their nature, the judge's experience and disciplinary history, or a number of other factors, the Commission determined that an informal disposition was appropriate to address the issues in question. With informal dispositions, there are no findings of misconduct.

Informal dispositions include issuing private letters of caution, referring the judge for mentorship, counseling or assistance, or entering into a confidential stipulation agreement concerning the conduct in question. Since its formation in 1968 through June 30, 2018, the Commission has informally disposed of 448 cases. The following tables illustrate the distribution of the informal cautionary letters and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (322 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.3%
Court of Appeals	3	0.9%
District Court	94	29.2%
Metropolitan Court	30	9.3%
Magistrate Court	114	35.4%
Municipal Court	76	23.6%
Probate Court	4	1.3%

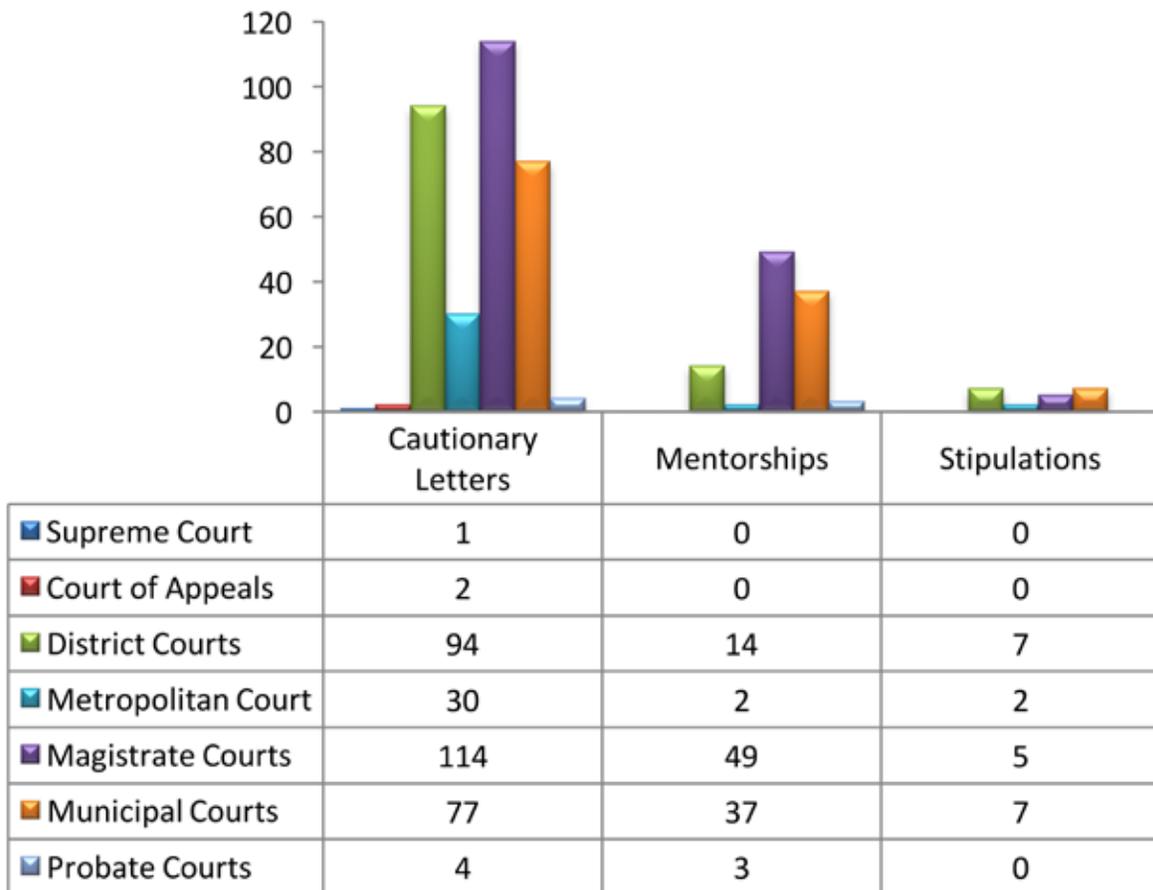
MENTORSHIPS (105 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENTAGE OF ALL MENTORSHIPS
Supreme Court	0	0.0%
Court of Appeals	0	0.0%
District Court	14	13.3%
Metropolitan Court	2	1.9%
Magistrate Court	49	46.7%
Municipal Court	37	35.2%
Probate Court	3	2.9%

CONFIDENTIAL STIPULATIONS (21 CASES)

In addition to confidential letters of caution and referrals to the mentorship program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2018, 0 cases were disposed through confidential stipulation. Historically, the Commission has disposed of 21 cases through such stipulations.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS

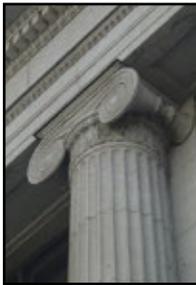




**PROCEEDINGS BEFORE THE COMMISSION
JULY 1, 2017–JUNE 30, 2018**

All of the Commission’s proceedings that resulted in either formal or informal proceedings are summarized in this section.

Formal cases are matters the Commission found to involve the most serious ethical issues under the New Mexico Code of Judicial Conduct, thereby warranting formal review and proceedings before the Commission and/or the New Mexico Supreme Court. Informal cases, although less serious in nature and scope, involve significant issues that the Commission addresses confidentially through letters of caution to the judges or by referring the judges to the Commission’s mentorship program.



See the referenced rules on the JSC website under: Resources > Governing Provisions of Law.

Since August 29, 2006, the Supreme Court petitions and responses in temporary suspension matters have been required to be filed under seal. In September 2009, the Supreme Court amended its rules to require automatic sealing of all Commission matters filed before the Commission completes a trial and evidentiary record. All Supreme Court hearings, docket sheets, and orders were available to the public, unless it was otherwise ordered by the Court.

In May 2011, the Supreme Court amended its rule governing this matter. The Court requires in Rule 27-104(B) NMRA that “[t]he contents, the fact of filing, and any other information about any request for temporary suspension, stipulated discipline, or interim relief shall remain confidential until the Court determines that confidentiality is no longer required and enters an unsealing order on its own initiative or grants a motion to unseal pursuant to Paragraph I of Rule 12-314 NMRA.” The Court further changed its docket sheets in sealed matters so they only include the case number and reference to sealed pleadings without specific title information. The Court also has codified that “[a]ny person or entity who knowingly discloses any material obtained from a court record sealed pursuant to this rule may be held in contempt or subject to other sanctions as the Court deems appropriate.”

In January 2012, the Supreme Court adopted significant amendments to the Code of Judicial Conduct that apply to all judges within the Commission’s jurisdiction.

COMMISSION PROCEEDINGS

FORMAL PROCEEDINGS

In FY 2018, the Commission conducted formal proceedings concerning 14 cases involving 4 judges either before the Commission or the New Mexico Supreme Court. Below are summaries of all formal, non-confidential proceedings filed and on public record with the Supreme Court with events occurring in and/or completed in FY 2018, including these new matters.

IN THE MATTER OF CONNIE LEE JOHNSTON

SAN JUAN COUNTY MAGISTRATE COURT

JSC INQUIRY NOS. 2015-058, 2015-059, 2015-060, 2015-061, 2015-062, 2015-063,

2015-098, 2015-143 & 2015-146

SUPREME COURT DOCKET No. S-1-SC-35625

The Commission issued a Notice of Preliminary Investigation and filed a Petition for Immediate Temporary Suspension Without Pay on December 3, 2015. The petition provided in part:

A. On or about December 1, 2015, Respondent made statements to New Mexico State Police Sergeant James Rempe prior to taking the bench that evidenced Respondent's premeditated intent to have someone arrested. Respondent told Sergeant Rempe words to the effect of, "Stick around, I'm sure someone is going to jail." Sergeant Rempe asked, "Who, prisoners?" Respondent told him, "Whoever." Sergeant Rempe then asked, "Judges?" Respondent replied, "Whoever gives me lip."

B. On or about December 1, 2015, Respondent embarrassed and humiliated San Juan County Magistrate Court Lead Worker Amy Verhulst when in open court Respondent ordered her out of Respondent's courtroom and then held Ms. Verhulst in contempt when she stayed to perform her duties as she was ordered to do by Presiding Judge Barry Sharer.

C. On or about December 1, 2015, Respondent willfully and maliciously held Ms. Verhulst in contempt of court for performing her duties as she was ordered to do by Presiding Judge Barry Sharer. Respondent sentenced Ms. Verhulst to thirty (30) days in jail, set bond at \$1,000 cash only, and ordered her to be immediately arrested without giving her an adequate opportunity to defend or explain her conduct before Respondent imposed punishment.

D. On or about December 1, 2015, Respondent failed to follow the reasonable and lawful orders of Presiding Judge Barry Sharer and attempted to undermine the authority of Judge Sharer when Respondent ordered Amy Verhulst out of Respondent's courtroom.

E. On or about November 23, 2015, Respondent failed to be dignified and courteous to Presiding Judge Barry Sharer and sexually harassed him, specifically, when he told Respondent that court staff believed she was recording her conversations with them. In response, Respondent then lifted up her shirt revealing her undergarments to Presiding Judge Sharer and asked him if he wanted to pat her down. Judge Sharer's inquiry was based on allegations that on or about November 3, 2015 a court clerk walked into her office and witnessed Respondent kneeling behind the clerk's desk. Respondent jumped up, pulled something black from under the desk, and placed the black object in her shirt.

F. On or about November 23, 2015, Respondent failed to perform her judicial duties by leaving the courthouse and abandoning her docket. Presiding Judge Barry Sharer told Respondent on November 19, 2015 that because of her rude behavior towards court staff, two clerks would be in the courtroom with Respondent at all times. On Monday, November 23, 2015, Respondent told Judge Sharer words to the effect of, "I'm not going to work like this," and shortly thereafter left the courthouse leaving her courtroom full of people awaiting the proceedings pending before Respondent that day. That same morning, November 23, 2015, Judge Sharer called Respondent and asked Respondent if she was coming back to work. Respondent replied words to the effect of, "Are you going to have two clerks with me?" Judge Sharer said, "Yes," and again inquired as to whether Respondent was coming in to work. Respondent did not answer Judge Sharer who took Respondent's silence as a no, that she would not be going to work, even though Respondent was the on-call judge for the week.

Respondent knew that Judge Trudy Chase was on vacation and that Presiding Judge Barry Sharer had to leave in the afternoon of November 23, 2015 for a scheduled doctor's appointment. Respondent's actions resulted in Judge Trudy Chase being called in from vacation to cover Respondent's docket that day.

The next day, November 24, 2015, Respondent faxed to Judge Sharer a note from a medical provider excusing Respondent from work from November 23 through November 29, 2015.

G. On or about December 1, 2015, Respondent breached confidentiality imposed by Article VI, Section 32 of the New Mexico Constitution and Rule 8 of the Judicial Standards Rules, and falsely stated to Steve Garrison, a reporter for the *Farmington Daily Times*, that all complaints filed with the Judicial Standards Commission have been unfounded.

The Supreme Court suspended Judge Johnston *sua sponte*, without pay on January 6, 2016. Oral argument was held on February 10, 2016 at which time the Court: granted the Commission's Petition; ordered the temporary suspension without pay, effective as of February 10, 2016; ordered the judge to be reimbursed for any pay withheld from January 6, 2016 to February 10, 2016; and ordered the file unsealed.

A trial on the merits was held on December 5, 2016, after which the Commission found that Judge Johnston committed willful misconduct in office and a Petition for Permanent Removal from Judicial Office was filed with the Supreme Court on April 10, 2017. Judge Johnston filed her response to the Petition on April 23, 2017.

Oral argument was held on October 23, 2017, at which time the Supreme Court accepted the Commission's Findings of Facts and Conclusions of Law, granted the Commission's petition and permanently removed Judge Johnston from judicial office.

MATTER OF HON. PAMELA D. SMITH
SIERRA COUNTY PROBATE COURT
JSC INQUIRY NOS. 2017-138 & 2017-139
SUPREME COURT DOCKET No. S-1-SC-36686

On October 4, 2017, the Commission issued a Notice of Formal Proceedings to Judge Smith. That same day, the Commission filed under seal in the Supreme Court a Verified Petition for Immediate Temporary Suspension Without Pay. The Verified Petition detailed the following specific acts and conduct:

A. Respondent Judge is employed by the New Mexico Office of the Medical Investigator (OMI) as a Deputy Field Medical Investigator.

B. On or about March 9, 2017, Respondent responded to the scene of an unattended death as the Deputy Field Medical Investigator for OMI and pronounced the death of Dominic Domingo.

C. The scene of the death was in Truth or Consequences, Sierra County, New Mexico, where Respondent also presides as the probate judge.

D. Respondent's Deputy Field Investigation Report ("OMI Report") erroneously identifies Respondent's husband, Randy Smith, as the decedent's next of kin.

E. Respondent's OMI Report notes that there were two (2) black suitcases at the scene of the death, one of which was under the bed and contained personal income tax and retirement information. Respondent's OMI Report did not identify the contents of the other black suitcase.

F. Respondent asked the police officer on scene to take the black suitcase (bag) that was under the bed to the police department for safekeeping. Respondent contacted the Truth or Consequences Police Chief Lee Alirez for approval of the officer to take the bag because it was not normal procedure and the officers normally leave all property at the residence of the decedent.

G. On or about April 17, 2017, Respondent retrieved the black bag from the Truth or Consequences Police Department using the authority of her position as an OMI Deputy Field Investigator, stating she needed to give the bag to OMI in order to locate next of kin.

Respondent told New Mexico State Police (NMSP) Agent Jimmy Lopez in a future interview that the bag contained the decedent's bank statements, tax returns, retirement information, and junk mail. Respondent said that she threw away the junk mail and turned the bag over to her tax accountant, Rose Pedersen.

H. On or about April 18, 2017, the day after Respondent retrieved the decedent's black bag, Respondent, in her position as the Probate Judge of Sierra County, opened probate case No. 2076, In the Matter of the Estate of Dominic Domingo, and issued the following order and pleadings:

- 1) Order Appointing Special Administrator, appointing Respondent's husband, Randy Smith, as the Special Administrator and granting him access to all bank accounts and assets of the decedent;

2) Statement of Acceptance of the Duties of Special Administration (No Will), which states the matter came before the Court upon the Statement of Acceptance for Special Administration from Randy Smith and “the court having considered the application, finds;” and,

3) Letters of Special Administration, granting Respondent’s husband, Randy Smith, full powers of a Personal Representative and the power to distribute the decedent’s assets.

With reference to paragraph (H)(2) immediately above, there is no such application in the probate court case file dated on or before April 18, 2017.

I. In a police interview conducted on or about September 20, 2017, Respondent informed NMSP Agent Lopez that she and her husband had made several trips to Las Cruces to meet with individuals at the Bank of America regarding the decedent’s bank account there. Respondent and her husband were informed they would need a Certificate of Death and the documents filed in the probate court case in order to access the decedent’s account.

J. On or about May 8, 2017, the Certificate of Death for the decedent was filed with the New Mexico Vital Records and Health Statistics.

K. On the same day the Certificate of Death was filed, Respondent’s husband had the decedent’s body cremated, without notice to or involvement of decedent’s family.

L. On or about May 17, 2017, Respondent, in her position as the Probate Judge of Sierra County, issued the following order and pleading in probate case No. 2076:

1) Amened [*sic*] Order Appointing Special Administrator, appointing her husband, Randy Smith, as the Special Administrator and granting him access to all bank accounts and assets of the decedent. The Order states that appointment was made “[u]pon the application of Randy Smith;”and,

2) Amened [*sic*] Letters of Special Administration appointing her husband, Randy Smith, as the Special Administrator and stating he qualified by filing with the court a statement of acceptance of the duties of that office.

With reference to paragraph (L)(1) immediately above, there is no such application in the probate court case file dated on or before May 17, 2017.

M. The April Order Appointing Special Administrator indicated that the appointment as Special Administrator was made pending the appointment of a Personal Representative, and granted Respondent’s husband, Randy Smith, the authority to collect, manage, preserve, and account for the decedent’s assets until the appointment of a Personal Representative, although the order also grants Respondent’s husband full powers of a personal representative. The May Order Appointing Special Administrator granted Respondent’s husband, Randy Smith, the authority to collect and manage the assets of the estate, and excluded the responsibility to preserve and account for the decedent’s assets.

N. At some point after Respondent's husband, Randy Smith, received the Certificate of Death, he transferred all the money in the decedent's Bank of America account to his and Respondent's own bank account at Wells Fargo and closed the decedent's account.

O. Respondent's husband also transferred all the money from the decedent's account at Citizens Bank to his and Respondent's Wells Fargo bank account and closed the decedent's account.

P. The amount of money transferred from the decedent's two bank accounts into Respondent's and her husband's bank account at Wells Fargo was approximately \$280,000.

Q. Respondent told NMSP Agent Lopez that she had used \$66,000 of the money to pay off bills. Respondent stated that it was their (Respondent's and her husband's) money, so she used it.

R. On or about July 21, 2017, the deceased's sister, Nilda Paone, learned of her brother's death when she received a letter of condolence from Bricklayers & Trowel Trades International Pension Fund. The letter also requested reimbursement of \$1,236.00 for the pension payments that had been distributed since her brother's death in March 2017.

S. Nilda Paone notified her son and decedent's nephew, Joseph Paone, who began looking into his uncle's death.

T. Joseph Paone obtained a copy of the OMI Report prepared by Respondent, and called Respondent on or about August 10, 2017, identifying himself as the decedent's nephew and informing Respondent that his mother was the decedent's sister.

Respondent told Mr. Paone that no next of kin had been identified and that the decedent had no personal effects except a few items of personal clothing and a wallet containing a driver's license, bricklayer's membership card, and passport.

Mr. Paone informed Respondent he knew of several items of value that his uncle possessed and also informed Respondent that his uncle had a box or a suitcase that contained financial and banking statements, among other records. Respondent asserted that no important papers were found.

U. Mr. Paone asked Respondent if she had attempted to locate next of kin through the bricklayers' union, and Respondent said she contacted the union but was told the decedent only had a step-sister who died. Mr. Paone informed Respondent there was no step-sister and also informed her about the letter his mother received from the union.

Respondent indicated in her OMI Report that she contacted "the place" that issued decedent's retirement checks and inquired if there was next of kin or a payable on death beneficiary and was told there was no one other than a step-sister whose name was removed because she died.

Mr. Paone contacted the bricklayers' union in California and the bricklayers' international pension organization in Washington D.C. and was told that no one had called to inquire about his uncle's next of kin.

On August 22, 2017, Mr. Paone received a letter from the Bricklayers & Allied Craft Workers Local No. 4, informing him that he was designated as his uncle's beneficiary.

V. Mr. Paone asked Respondent about his uncle's remains and learned that his uncle had been cremated upon the direction of Respondent's husband, Randy Smith, and that Respondent's husband had the cremains. Mr. Paone requested at that time, and several times subsequent, that his uncle's cremains be sent to him and his family. Respondent and her husband, Randy Smith, have not yet returned the cremains, despite the requests of the decedent's family.

W. On or about August 10, 2017, Mr. Paone, who had handled his uncle's financials, called the manager of Citizens Bank because he (Mr. Paone) knew he was the payable on death beneficiary, and learned that Respondent's husband had already taken control of the account by presenting letters as the Special Administrator.

X. That same day, Mr. Paone called Respondent's husband, Randy Smith, who claimed that Mr. Paone's uncle had asked him to take care of his expenses when he died and that he, Respondent's husband, could have whatever money was left over.

Mr. Paone informed Respondent's husband that his uncle's account at Citizens Bank had approximately \$250,000 in it, and that his uncle's Bank of America account had between \$20,000 and \$40,000 in it. Respondent's husband agreed that this information was accurate.

Y. Later the same day that Mr. Paone spoke with Respondent and Respondent's husband, Mr. Paone and his mother called the Sierra County Probate Clerk to inquire about how to file notice that they were next of kin to Dominic Domingo. Mr. Paone also requested a copy of the probate court case file. Mr. Paone was told the file contained ten (10) pages.

Mr. Paone was also told to contact Respondent about filing notice regarding next of kin; however, he had already spoken with Respondent that day and did not believe Respondent would take proper action on the next of kin issue because Respondent had already appointed her husband, Randy Smith, as Special Administrator and because of the conflict of interest in Respondent's position as the probate judge and as the OMI investigator at the scene of the decedent's death.

Z. Later that day, Mr. Paone received a voicemail from Respondent's husband, Randy Smith, stating words to the effect of: "Joe, you kind of took me off guard in our initial conversation. You were right. The estate needs to be turned over to the family and we are happy to comply. Please call me back to discuss."

Mr. Paone returned Randy Smith's phone call the following day and left a voicemail requesting an accounting of all the money from his uncle's estate, associated legal documents, and his uncle's cremains and personal effects. Randy Smith never returned Mr. Paone's call.

AA. On or about August 9, 2017, Sierra County Clerk and Probate Clerk Shelly Trujillo received a text from Respondent at 9:18 p.m. asking what time Ms. Trujillo would be in the office in the morning. Ms. Trujillo responded that she would be in between 6:30 and 7:00 a.m. Respondent texted back stating she was coming in at 7:00 a.m. the following morning.

BB. The next morning, on or about August 10, 2017, at 7:00, Ms. Trujillo let Respondent into the County Clerk's office library, where the probate court case files are located. Ms. Trujillo went to get coffee and left Respondent alone. Respondent was in her office when Ms. Trujillo returned.

Later that same morning, Ms. Trujillo received a call from Nilda Paone, decedent Dominic Domingo's sister, requesting copies from the probate court case file. Ms. Trujillo informed Ms. Paone that the file contained thirteen (13) pages. Ms. Paone stated that when they spoke with an individual from the clerk's office the previous day, they were told there were ten (10) pages. Ms. Trujillo looked through the court case file and discovered three (3) pages in the file that had several discrepancies and were inconsistent with the filing procedures.

CC. The three (3) pages in question were an Application for Informal Appointment of Personal Representative (No Will). The applicant is Randy Smith, Respondent's husband.

Inconsistent with the clerk's filing procedures in which only the first page of a pleading is file stamped, all three (3) pages of the pleading bear the probate clerk's file stamp. Also, there are designated spaces within the file stamp for the probate clerk and deputy to sign. One of the clerks always signs when a pleading is filed; however, there is no signature within the file stamp. Further, the date of the file stamp on the pleading is "Jun 80 2017." Other than the obvious fact that date "Jun 80 2017" does not exist, the procedure for the clerk's office is that the date on the file stamp is changed the night before, that is, it is advanced to the following day's date at the end of each day.

DD. Additionally, the Probate Court ledger book, where orders and filed pleadings are documented, has three entries:

- one dated 4/18/17, which matches the documents identified in paragraph H(1)–(3) above;
- one dated 5/17/17, which matches the documents identified in paragraph (L)(1)–(2) above; and,
- one dated 6/01/17, an "Appointment of Personal Representative" was filed. There are no pleadings in the probate court case file bearing this date. The only other pleading in the probate court case file (other than those listed immediately above) is the pleading file stamped "Jun 80 2017."

Further, the hand-writing on the 6/01/17 entry in the probate court ledger book is made to appear that it was written by the same clerk who entered the pleadings on 5/17/17; however, none of the clerks made the 6/01/17 entry.

County Clerk and Probate Court Clerk Shelly Trujillo made a certified copy of the Probate Court case file, No. 2076, on the same day she discovered the issues, August 10, 2017, due to her concern over the discrepancies. She did not certify the three (3) pages of the Application for Informal Appointment of Personal Representative (No Will) because they were not properly filed.

EE. On or about August 14, 2017, Mr. Paone received a phone call from a man who represented himself as Gary Carmical, a Trial Assistant Investigator at the DesChamps Law Firm in New Mexico. Mr. Carmical said that the Smiths were going to return the money rather than going through legal channels.

Mr. Carmical further relayed that the Smiths were in the process of mortgaging one of four properties so they could make restitution for the \$192,000 taken from Mr. Domingo's accounts. He also promised to provide financial records and documents showing an accounting of the money. In addition, Mr. Carmical said that the Smiths would open a probate case in district court, making Mr. Paone the Personal Representative. Mr. Carmical assured Mr. Paone that he would secure Mr. Domingo's cremains and personal effects.

FF. On or about August 21, 2017, an email exchange between Mr. Paone and Mr. Carmical began in which Mr. Carmical continued to make promises to Mr. Paone about accounting for the money, providing personal effects, bank statements, legal papers, etc.

GG. On or about August 28, 2017, Mr. Paone initiated an email exchange with Mr. Carmical since he had not heard back from Mr. Carmical within the promised period. Mr. Paone asked Mr. Carmical why the Smiths had his uncle's money. Mr. Carmical responded: "They do not have \$ - they have wallet, some papers They were investigating cause of death and attempting to locate relatives. \$ is in the bank"

Mr. Paone never heard from Mr. Carmical again and has not received any of the promised items.

HH. Respondent's OMI Report contains statements about Respondent's attempts to locate the next of kin that appear to be false. For example, Respondent's OMI Report states that the Truth or Consequences "Police Chief Alevres [sic] told [her] that he had spoken to the decedent in Nov 2016 and the decedent told him then that he had no family still living."

Mr. Paone personally spoke with Police Chief Alirez, who told Mr. Paone that he knew Mr. Paone's uncle very well and that his uncle told him [Chief Alirez] that he had family in New York.

Also, Chief Alirez told NMSP Agent Lopez that he not only knew the decedent from living in Truth or Consequences, but that he also remembered the decedent from several years earlier when they were both in a small town in California. Chief Alirez recalled the decedent talking about his family who lived in New York.

II. Mr. Paone was in Truth or Consequences approximately two (2) years ago visiting his uncle, Dominic Domingo. At that time, Mr. Domingo introduced Mr. Paone to Randy Smith and identified Mr. Paone as his nephew.

JJ. The Paones have left several messages for Respondent requesting that she transfer the probate case to district court and that she return their calls. Respondent has never returned the Paones' phone calls.

KK. On or about September 12, 2017, Respondent checked out the Sierra County Probate Court case file, No. 2076, In the Matter of the Estate of Dominic Domingo.

Respondent had control of the Court case file, No. 2076, until October 3, 2017, when Respondent took action to transfer the case to district court. When Respondent brought the case file to the Sierra County Probate Court on October 3, 2017, County Clerk and Probate Court Clerk Shelly Trujillo made a certified copy of the case file, No. 2076, which revealed that Respondent had added and altered and/or replaced several documents in the Court case file.

With respect to altering and/or replacing pleadings:

- The 3-page pleading Application for Informal Appointment of Personal Representative (No Will), which appeared in the file on August 10, 2017 and was file stamped “Jun 80 2017,” among other discrepancies, was altered or replaced to make it appear that it was filed on Jun 08 2017. Also, two signatures appear on the file stamp that previously had no signatures.
- On page 1 of the pleading stamped Jun 08 2017, the hand-written portions differ in style from the Jun 80 2017 pleading. In addition, a block on the Jun 08 2017 pleading has an “x” in it, while that same block has a checkmark on the Jun 80 2017 pleading. Also, the Jun 08 2017 pleading has the decedent’s age filled in, while that space is blank on the Jun 80 2017 pleading.
- Page 2 of the Jun 80 2017 pleading appears to have been totally replaced by the Jun 08 2017 version. There is now no file stamp on page 2. Also, the hand-written portion containing the address was filled out differently, i.e., it now contains a zip code and is two lines instead of one.
- Page 3 of the Jun 80 2017 pleading also appears to have been totally replaced by the Jun 08 2017 version. The file stamp is no longer present on this page. More significantly, the Jun 08 2017 version contains a verification section, which was not present on the June 80 2017 version. In the verification section, Randy Smith’s signature appears as the “Signature of applicant,” as well as in the “SIGNED AND SWORN TO” section that should be filled out by the notary. The document is not notarized.

With respect to adding documents:

- An Order of Informal Appointment of Personal Representative (No Will) bearing a file stamp of Jun 08 2017 is now in the case file, whereas there was no such pleading in the case file certified on August 10, 2017. Further, it appears the file stamp with signatures is the same one that was transposed on the Jun 08 2017 Application, as it is identical in all respects, to include the hole-punched portion at the top of the stamp covering the word “STATE.”
- Various other documents were presented to the clerks for filing on October 3, 2017, although the Transmittal Memorandum, which Respondent prepared, indicates the documents were filed on September 5, 2007 [*sic*], September 7, 2017, and September 14, 2017.

On October 5, 2017, the Supreme Court issued a Show Cause Order, ordering Judge Smith to file a response by October 10, 2017 as to why the Court should not temporarily suspend her without pay and unseal the matter. The Court set oral argument for October 11, 2017.

On October 10, 2017, the Commission and Judge Smith’s counsel filed a Joint Motion to Vacate Show Cause Hearing, stating the parties anticipated a permanent resolution would be before the Court prior to the time of the show cause hearing.

On October 11, 2017, the Supreme Court gave verbal notice and subsequently issued an Order vacating the show cause hearing. That same morning, the Commission and Judge Smith entered into a Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings. The Commission immediately filed under seal with the Supreme Court a Motion to Accept Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings. The Supreme Court then issued an Order setting oral argument on the Motion for that same afternoon.

Following oral argument on the Commission’s Motion to Accept Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings, the Supreme Court granted the Motion,

approved the Stipulation, and ordered that Judge Smith's resignation would be effective at 5:00 p.m. on October 11, 2017. The Court further ordered that:

- The Judicial Standards Commission shall provide a copy of the documents filed in the proceeding to family members of the decedent, Dominic Domingo, and to the district judge presiding over the probate proceeding;
- The Clerk of the Supreme Court shall provide a copy of the documents filed in the proceeding to the Seventh Judicial District Attorney;
- Judge Smith shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future;
- Judge Smith shall never seek, accept appointment to, or serve pro tempore for any New Mexico judicial office in the future, which includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and Justice of the Supreme Court;
- Judge Smith shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings; and,
- All documents filed in the Court in this matter are unsealed.

At the time of these proceedings, another matter concerning Judge Smith—Inquiry No. 2017-074—was in the informal stage of proceedings and pending before the Commission. Pursuant to the Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings and the Supreme Court's approval of the Stipulation, Inquiry No. 2017-074 was abated and closed along with Inquiry Nos. 2017-138 and 2017-139.

MATTER OF HON. HENRY T. CASTANEDA
EDDY COUNTY MAGISTRATE COURT
JSC INQUIRY No. 2016-020
SUPREME COURT DOCKET No. S-1-SC-35842

The Commission issued a Notice of Formal Proceedings to Eddy County Magistrate Judge Henry T. Castaneda on April 11, 2016. A trial on the merits was held before the Commission on April 3, 2017, and the Commission found that Judge Castaneda committed willful misconduct in office, including the following:

Respondent violated the Code of Judicial Conduct and the New Mexico Judicial Branch Computer and Internet Use Policy over a period of years to receive and forward e-mails, utilizing state owned equipment and from his court e-mail address, that were offensive, degrading, pornographic, racist, and sexist.

Respondent used his court e-mail address to conduct personal business, communicate about political activity, and communicate about religious activities also in violation of the New Mexico Judicial Branch Computer and Internet Use Policy and, therefore, a violation of the Code of Judicial Conduct.

Respondent was aware of the New Mexico Judicial Branch Computer and Internet Use Policy. He read it several times and he was responsible for ensuring that court staff followed the policy.

Respondent's misconduct occurred in his official capacity, in his assigned chambers, and on state owned equipment issued to Respondent to perform his official duties. Respondent's computer screen faced his office door and anyone walking by could have viewed the offensive e-mails.

When Respondent found out that the offensive e-mails had been discovered, he began to attempt to remove the e-mails from his court assigned computer.

Respondent showed little remorse other than he was embarrassed that the matter had been discovered as a result of the Inspection of Public Information Request.

Several incidents of the Respondent not being completely truthful are set out in the Findings of Fact. An example is Respondent's discussion of a case pending before him with a third party and his subsequent denial of that behavior which is egregious. This behavior demonstrates his complete disregard for the Code of Judicial Conduct and for the damage such violations do to the integrity of the judiciary.

Given the behavior of Respondent in reading, forwarding, and failing to put an end to his family and friends sending him e-mails of a sexual, racist, derogatory, and sexist nature that would basically offend many, if not all, of the people who appear in front of him renders him incapable of performing his judicial duties in a fair and impartial manner. This behavior has a profoundly negative impact upon the integrity and respect for the judiciary.

Respondent's actions were knowing, intentional, and willful.

The Commission filed a Petition for Permanent Removal from Judicial Office with the Supreme Court on October 10, 2017. Judge Castaneda filed a response to the Petition on November 17, 2017.

Oral argument was scheduled before the Court for February 21, 2018; however, Judge Castaneda resigned from judicial office effective February 4, 2018. Respondent filed an Amended Response to Findings of Fact, Conclusions of Law and Recommendation on January 30, 2018, and the Commission filed a Reply to Respondent's Amended Response on January 31, 2018. On February 12, 2018, the Court adopted the Commission's findings of fact and conclusions of law from the trial and accepted Respondent's resignation. The Supreme Court further ordered that Castaneda be permanently barred from future judicial service in New Mexico.

MATTER OF LAWRENCE D. MCCLAIN
SANDOVAL COUNTY PROBATE COURT
JSC INQUIRY NO. 2017-142
SUPREME COURT DOCKET NO. S-1-SC-36777

The Commission issued a Notice of Preliminary Investigation and ordered the appointment of a guardian *ad litem* for the Respondent on October 13, 2017. In lieu of a response to the Notice of Preliminary Investigation, Respondent stipulated to permanent resignation. A Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings was filed with the Supreme Court on November 30, 2017. Grounds for the Stipulation included Respondent's

compromised cognitive and physical abilities which precluded his ability to perform his judicial duties.

A petition to accept the Stipulation was filed with the Supreme Court on December 4, 2017, which was granted December 18, 2017. Judge McClain promptly resigned.

HON. JOE I. DOMINGUEZ
TUCUMCARI MUNICIPAL COURT
JSC INQUIRY NO. 2018-019
SUPREME COURT DOCKET NO. S-1-SC-36868

The Commission issued a Notice of Preliminary Investigation on February 6, 2018 following Respondent's arrest on charges of Driving Under the Influence of Intoxicating Liquor or Drugs and Failure to Yield. Respondent stipulated to immediate temporary suspension and a Motion to Accept a Stipulation to Immediate Temporary Suspension was filed with the Supreme Court on February 14, 2018. The motion provided in part:

1. Respondent does not contest that his continued service in a judicial capacity, while he is being prosecuted by the State of New Mexico and investigated by the Commission on the stated allegations, would create an apparent conflict of interest and that deference to Respondent's rulings would be undermined. Respondent does not contest that his continued judicial service would create a significant appearance of impropriety, erosion of public confidence in the integrity and impartiality of the judiciary and in the orderly administration of justice.
2. Respondent and Petitioner deferred to the Supreme Court's discretion on whether the temporary suspension should be without or without pay.

The Supreme Court granted the Stipulation on February 22, 2018, and ordered Respondent suspended without pay until further order of the Court and pending disposition of the criminal charges filed against Respondent and the proceedings before the Commission. The Supreme Court further ordered that all pleadings and papers filed in the Court be unsealed.

On April 10, 2018, the charges against Respondent were dismissed without prejudice by the district attorney's office based upon Harding County Magistrate Judge Karen Mitchell's finding of lack of probable cause for the traffic stop. The Commission filed an Amended Notice of Preliminary Investigation on April 30, 2018, based on the lack of criminal charges pending against Respondent. A Petition for Reinstatement was filed with the Court on April 30, 2018 based on the dismissal of criminal charges and pursuant to Rule 27-201(E) NMRA, which the Court denied pending disposition of the Commission's proceedings against Respondent.

This matter was ongoing at the end of FY 2018. Subsequent events will be provided in the Commission's FY 2019 Annual Report.

INFORMAL PROCEEDINGS

LETTERS OF CAUTION. The Commission may dispose of a matter by privately cautioning the judge that the conduct alleged may violate the Code of Judicial Conduct. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. However, the Commission is concerned that if true, the conduct may violate or may lead to a violation of the Code if not raised with the judge. In FY 2018, the Commission issued cautionary letters resolving 6 cases involving 6 judges, including one matter where disposition was made at the close of a formal merits hearing before the Commission on stipulated facts. The issues addressed in these matters are listed below:

1. A judge allegedly failed to provide an interpreter for a Spanish-speaking defendant. The Commission cautioned the judge to follow the rules of procedure when persons requiring an interpreter appear before the court.
2. A judge allegedly made disparaging and/or condescending comments to an attorney. The Commission cautioned the judge to display appropriate judicial demeanor with all who come before the judge, refrain from speaking to attorneys or litigants in a condescending manner and allow every person who has a legal interest in the proceeding, the right to be heard according to law.
3. A judge allegedly failed to exercise judicial discretion in making a ruling and, instead, ruled based upon a coin toss. The judge was issued a letter of caution, in which the judge was advised to exercise judicial discretion based upon the evidence presented and to refrain from making decisions and rulings based upon arbitrary methods, as well as to refrain from making a ruling for one party over the other if neither party has met their burden of proof.
4. A judge allegedly presided over cases in which the judge's impartiality might reasonably be questioned. The judge was issued a letter of caution and was advised to refrain from relying on parties to request recusal when the judge's impartiality might reasonably be questioned. The judge was also advised to comply with the judicial duty to disqualify when the judge's impartiality might reasonably be questioned or, alternatively, when appropriate, attempt to resolve the issue and avoid the appearance of impropriety by disclosing the basis of the disqualification on the record and ask the parties to consider, outside the judge's presence and the presence of court personnel, whether to waive disqualification. The judge was reminded that if parties agree to waive the judge's disqualification, the judge must incorporate the agreement into the record of a proceeding.
5. A judge allegedly engaged in an *ex parte* communication with an assistant district attorney regarding scheduling, but failed to promptly notify defense counsel. The Commission cautioned the judge to refrain from *ex parte* communications outside the presence of the parties or their lawyers concerning a pending or impending case. The judge was further cautioned to promptly notify all parties of the substance of the *ex parte* communication and offer them an opportunity to respond when the *ex parte* communication is in reference to scheduling, administrative or emergency purposes.
6. A judge allegedly failed to review a campaign e-mail sent out by the judge's campaign committee, the content of which may have created the appearance of impropriety concerning the judge's duty to be fair and impartial. The Commission cautioned the judge to review all

statements made by the judge's campaign committee to ensure that all statements are fair and accurate.

INFORMAL REMEDIAL MEASURES

The Commission may elect to dispose of matters informally by referring judges for remedial measures or conditions, which may include, but not necessarily be limited to, mentorship, counseling or other assistance. In the mentorship program, the Commission selects an experienced judge who is asked to structure an informal program to meet with the subject judge, address the Commission's issues of concern, and provide the judge being mentored with any needed help and advice. Participation in the program is accomplished through stipulation. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. In FY 2018, 3 inquiries involving 3 judges were disposed through informal remedial measures, which are discussed below.

1. A judge allegedly made comments in the presence of a jury that were critical of the jury's verdict. The judge and the Commission entered into a Conditional Informal Disposition in which the judge agreed to participate in an informal mentorship and to receive a letter of caution. The judge successfully completed the mentorship. The letter of caution advised the judge to refrain from commending, criticizing, or expressing a personal opinion of a jury's verdict and, also, to refrain from making any comment to the effect the verdict might have been different if there had been a bench trial or any other reason that might appear to improperly criticize or undermine the validity of the jury's verdict.
2. A judge allegedly failed to arraign individuals on traffic citations, yet charged them for the violations; failed to submit abstracts of records to the Motor Vehicle Division (MVD) as required by statute; caused individuals' licenses to be suspended or re-suspended by improperly submitting notices of failure to appear to MVD after the individuals paid their traffic fines; and, exceeded the judge's jurisdiction by taking actions in cases beyond the statutory time limit. The judge agreed to participate in an informal mentorship, which the judge successfully completed.
3. A judge was allegedly untruthful in a mentoring situation and also impermissibly gave legal advice. The judge and the Commission entered into a Conditional Informal Disposition in which the judge agreed to decline any future requests to serve as a mentor or to serve on a court advisory committee. In addition, the judge agreed to accept and abide by a letter of caution.

INFORMAL STIPULATIONS

The Commission may enter into stipulation agreements in confidential matters (not filed in the Supreme Court) concerning various matters. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. In FY 2018, the Commission entered into no informal stipulations.

ALL PUBLISHED DISCIPLINARY CASES

- Matter of Martinez**, 99 N.M. 198, 656 P.2d 861 (1982)
- In re Romero**, 100 N.M. 180, 668 P.2d 296 (1983)
- Matter of Terry**, 101 N.M. 360, 683 P.2d 42 (1984)
- In re Lucero**, 102 N.M. 745, 700 P.2d 648 (1985)
- Inquiry Concerning Perea**, 103 N.M. 617, 711 P.2d 894 (1986)
- Matter of Rainaldi**, 104 N.M. 762, 727 P.2d 70 (1986)
- Matter of Atencio**, 106 N.M. 334, 742 P.2d 1039 (1987)
- Matter of Garcia**, 108 N.M. 411, 773 P.2d 356 (1989)
- Matter of Castellano**, 119 N.M. 140, 889 P.2d 175 (1995)
- Matter of Ramirez**, 2006-NMSC-021, 139 N.M. 529, 135 P.3d 230
- Matter of McBee**, 2006-NMSC-024, 139 N.M. 482, 134 P.3d 769
- State v. Maestas**, 2007-NMSC-001, 140 N.M. 836, 149 P.3d 933
- Matter of Garza**, 2007-NMSC-028, 141 N.M. 831, 161 P.3d 876
- Matter of Locatelli**, 2007-NMSC-029, 141 N.M. 755, 161 P.3d 252
- Matter of Vincent**, 2007-NMSC-056, 143 N.M. 56, 172 P.3d 605
- Matter of Griego**, 2008-NMSC-020, 143 N.M. 698, 181 P.3d 690
- Matter of Rodella**, 2008-NMSC-050, 144 N.M. 617, 190 P.3d 338
- Matter of Schwartz**, 2011-NMSC-019, 149 N.M. 721, 255 P.3d 299
- Matter of Salazar**, 2013-NMSC-007, 299 P.3d 409
- Matter of Naranjo**, 2013-NMSC-026, 303 P.3d 849

OTHER STATE CASES REGARDING COMMISSION MATTERS

State ex rel. New Mexico Judicial Standards Com'n v. Rivera et al., No. 29,239, slip op. (N.M. November 14, 2005) (holding that the district court lacked jurisdiction to conduct evidentiary hearing on a motion to quash a Commission subpoena)

State ex rel. New Mexico Judicial Standards Com'n v. Espinosa, 2003-NMSC-017 (holding Governor's power to appoint members of Commission includes power to remove members)

State of New Mexico ex rel. New Mexico Judicial Standards Com'n v. Hon. Trudy Reed-Chase, et al., No. S-1-SC-36879 (May 14, 2018) (order granting writ of prohibition, and finding that pursuant to Article VI, Section 32 of the New Mexico Constitution the district courts lack jurisdiction over actions pertaining to judicial disciplinary proceedings and that all proceedings before the Commission are confidential except for the record filed by the Commission in the Supreme Court)

OTHER STATE CASES REFERENCING THE COMMISSION

Sangre de Cristo Development Corp., Inc. v. City of Santa Fe, 84 N.M. 343, 503 P.2d 323 (1972)

Cooper v. Albuquerque City Commission, 85 N.M. 786, 518 P.2d 275 (1974)

State ex rel. Rivera v. Conway, 106 N.M. 260, 741 P.2d 1381 (1987)

Southwest Community Health Services v. Smith, 107 N.M. 196, 755 P.2d 40 (1988)

Concha v. Sanchez, 2011-NMSC-031, 150 N.M. 268, 258 P.3d 1060



EXPENDITURES & COST REIMBURSEMENT

As an independent agency of the State, the Commission is funded through a general fund appropriation each year by the New Mexico Legislature. The Commission's appropriation is separate from the appropriations made to any other State agency or court. At the end of each fiscal year, unencumbered / uncosted funds revert to the State's general fund.

For FY 2018, the State Legislature appropriated \$818,300.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct.

FY 2018 Commission expenditures totaled \$817,270.00 from the General Fund. A summary by category of the Commission's expenditures is provided below.

FY 2018 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$509,593.89	62.4%
Employee Benefits & Taxes	175,495.67	21.5%
Employee/Board Training & Licensing	9,598.22	1.2%
Commission Travel	3,525.30	0.4%
Investigation & Prosecution Expenses	1,757.75	0.2%
Contractual Services	19,865.22	2.4%
Rent, Telecom, IT & Overhead	78,809.14	9.6%
Equipment, Supplies & Postage	18,624.81	2.3%
TOTAL	817,270.00	100.0%

In FY 2018 the Commission collected \$1,899.00 of cost reimbursement from one (1) judge pursuant to Supreme Court order.

DESCRIPTION	FY 2018 COSTS	FY 2018 FINES	BALANCE
FY 2018 Collections from Judges	1,899.00	0.00	
FY 2018 Expended or Reverted	(1,899.00)		\$ 0
FY 2018 Other Funds			0
TOTALS	\$ 0.00	\$ 0.00	\$ 0

FINES AND COST REIMBURSEMENT DISTINGUISHED

The Supreme Court may impose fines against judges *sua sponte* or upon recommendation by the Commission. Fines are paid to the State of New Mexico and deposited with the Supreme Court. Fines typically are deposited in the general fund, unless otherwise ordered by the Supreme Court. Costs may be assessed by the Supreme Court or may be reimbursed on stipulation with the respondent judge. Costs are paid to the State of New Mexico and deposited into the Commission's cost reimbursement fund.

OUTSTANDING DEBTS OWED TO THE COMMISSION

In FY 2008 removed Bernalillo County Metropolitan Court Judge J. Wayne Griego was ordered by the Supreme Court to reimburse the Commission \$6,704.41 in costs. With annual interest of \$536.35 that accrued in FY 2018, the total amount due from Mr. Griego at the end of this fiscal year is \$11,531.56. Mr. Griego has failed to make any payment to the Commission and his debt to the State remains outstanding. The Commission recorded judgment liens with county clerks.

In FY 2012 former Las Cruces Municipal Court Judge Stephen G. Ryan was ordered by the Supreme Court to reimburse the Commission \$647.74 in costs no later than August 1, 2012. Mr. Ryan has failed to make any payment to the Commission and his debt to the State remains outstanding. The Commission recorded a judgment lien with the county clerk. With annual interest of \$51.82 that accrued in FY 2018, Mr. Ryan owes the Commission \$906.84 as of June 30, 2018.

FY 2018 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2018 Final Approved Budget	\$ 818,300.00	
Total FY 2018 General Fund Expenditures		\$ (817,270.00)
FY 2018 General Fund Appropriations Reverted		\$ (1,030.00)
Total Expenditures and Reversion		\$ (818,300.00)

Note: Reversion represents **0.1%** of the Commission's total General Fund appropriation.

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FINAL APPROVED BUDGET	EXPENDITURES	REVERSION FROM GENERAL FUND APPROPRIATIONS	REVERSION FROM COST REIMBURSEMENTS	GENERAL FUND REVERSION AS % OF FUNDING
2009	842,973.00	832,600.37	6,799.01	\$3,573.62	0.807%
2010	780,002.40	749,752.96	22,047.04	\$8,202.40	2.827%
2011	731,300.00	717,230.17	14,069.83	\$0.00	1.924%
2012	706,900.00	705,230.69	1,669.31	0.00	0.236%
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,845.50	0.00	0.332%
2016	853,745.38	847,909.21	5,836.17	0.00	0.684%
2017	818,300.00	817,472.41	827.59	0.00	0.101%
2018	818,300.00	817,270.00	1,030.00	1,899.00	0.126%

