

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.

Peggy D. Mayo

Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

March 28, 2016

NO. S-1-SC-35791

**INQUIRY CONCERNING A JUDGE
NO. 2015-074**

**IN THE MATTER OF
HON. GENE C. GALASSINI,
Otero County Magistrate Court Judge
Carlsbad, New Mexico**

RECEIVED
paid MAR 30 2016
NM JUDICIAL
STANDARDS COMMISSION

ORDER

WHEREAS, this matter came on for consideration by the Court upon the Judicial Standards Commission's petition to accept stipulation in light of permanent resignation from judicial office, the Court having considered the petition and being sufficiently advised, and having determined that acceptance of the stipulation is in the best interests of the judiciary and the public, Chief Justice Barbara J. Vigil, Justice Petra Jimenez Maes, Justice Edward L. Chávez, Justice Charles W. Daniels, and Justice Juidth K. Nakamura concurring;

NOW, THEREFORE, IT IS ORDERED that the petition to accept stipulation in light of permanent resignation from judicial office is GRANTED

1 and the stipulation to permanent resignation from judicial office is APPROVED;

2 IT IS FURTHER ORDERED that respondent's resignation from judicial
3 office shall be permanent and effective as of February 29, 2016;

4 IT IS FURTHER ORDERED that respondent shall never again hold,
5 become a candidate for, run for, or stand for election to any New Mexico judicial
6 office in the future;

7 IT IS FURTHER ORDERED that respondent shall never seek, accept
8 appointment to, or serve *pro tempore* for any New Mexico judicial office in the
9 future, which includes the posts of judge in municipal court, probate court,
10 magistrate court, metropolitan court, district court, Court of Appeals, and Justice
11 of the Supreme Court;

12 IT IS FURTHER ORDERED that respondent shall never again hold or
13 exercise any judicial authority in the State of New Mexico, to include officiating
14 at weddings; and

15 IT IS FURTHER ORDERED that all documents filed in this Court in
16 Inquiry No. 2015-126 are UNSEALED pursuant to Rule 27-104(B) NMRA
17 except for Exhibit F to the petition, which shall be redacted to keep sealed all

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Joey D. Moya

Clerk of the Supreme Court
of the State of New Mexico

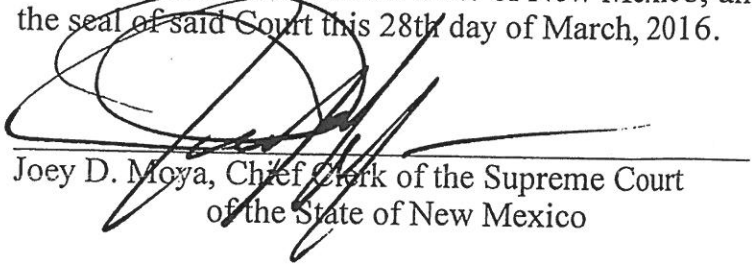
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references to a third party's medical condition.

IT IS SO ORDERED.

WITNESS, Honorable Barbara J. Vigil, Chief Justice
of the Supreme Court of the State of New Mexico, and
the seal of said Court this 28th day of March, 2016.

(SEAL)



Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

GENE C. GALASSINI
P.O. Box 646
La Luz, New Mexico 88337

February 29, 2016

VIA E-MAIL AND U.S. MAIL

The Honorable Barbara J. Vigil, Chief Justice
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
(505) 827-4837

Re: Permanent Resignation from Office

Dear Chief Justice Vigil:

I received your letter dated February 15, 2016. I also received Mr. Pepin's letter of the same date. While I share concerns about the current situation in the Otero County Magistrate Court, which is at best, a dysfunctional place, I cannot agree that those problems are properly laid at my feet.

[REDACTED] I have been advised by my physician that the stress I am experiencing trying to perform the duties to which I was elected by the citizens of Otero County, [REDACTED] [REDACTED] in the environment that exists here are too great and are negatively impacting my physical and emotional health and well-being. The current directives and requirements of the AOC make it impossible for anyone to comply and also perform the functions of the job of Magistrate Judge. Accordingly, I shall permanently resign my office, effective at 5:00 p.m. on Monday, February 29, 2016.

Because of my experience during the last several months, I will not seek or accept any judicial position in the future. I regret that I am not able to give you and AOC more time to arrange for a replacement [REDACTED]

[REDACTED] but in order to for there to be no interruption in my medical insurance, and to protect my own health and well-being, I must depart now.

In fairness to the Court, the citizens of Otero County, and to me this situation compels more explanation. The problems in this Court – and they are many – are largely the product of efforts by certain of the court's senior staff to assert their power and control over the court's personnel, operations and affairs. There has been an undercurrent of conflict, hostility and distrust fostered by the management in the clerk's office which has caused stress for many of the staff and for the judges. In that process, AOC has apparently been enlisted and provided information by the senior staff which is incomplete, at best, and false in many instances, about

EXHIBIT
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The Honorable Barbara J. Vigil, Chief Justice

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what the problems and causes of those problems are. I have attempted to work together with AOC to identify them, and to help address them, but have met with indifference in those efforts. The situation is untenable.

I assure you that since Rosemary McCourt directed me last Fall not to have interactions with the Court staff, I have followed her instructions except in those instances where it is absolutely necessary in the discharge of our duties as a Court. I directed any issues regarding the staff to Judge Newton. You should know that there have been more than a few issues arise with the staff which affects the integrity of the Court and required attention. I presume Judge Newton addressed these issues with the staff. I did not. I did not disregard Ms. McCourt's directives and put them into effect as best I could. As I pointed out to Ms. McCourt early on, the staff should have been told by her about the change in our operations and the fact they were not caused a lack of direction and stress for the judges and the staff. The effect of that very directive without explanation proved to be divisive and caused conflict. The staff noted the difference in how the court functions began to function, and some internalized it and took it personally.

The insinuation by Mr. Pepin that I have harassed anyone at all, let alone because of their gender is both false and offensive. If the issues at the Court are fairly investigated, which frankly, they must be or they will continue, I believe the truth about what is going on here and what is causing the stresses resulting in the decisions by me and others to extricate ourselves from the situation, will be found. It will not be me who is found to be the problem.

I have never been a quitter. My life has been built around being a leader who leads both by example and expectations. I also know when a situation is beyond my control and beyond my ability to work to resolve. Such is this one. I have spent my working life in public service, first as a New Mexico State Police Officer, as a member of the School Board in Alamogordo and most recently, on the bench as a Magistrate Judge. In all my public life, I have been motivated to do right by the citizens and my constituents; to be fair, honest and to serve with integrity. I have never put myself or my interests ahead of my duties, and have sacrificed much to perform them. While I am direct and to the point in the discharge of my professional duties, I have never been consciously or intentionally disrespectful, rude or demeaning to anyone. I am a problem solver, and when there is a problem, I work diligently to identify it, address it and fix it with those involved. I have never willfully acted in any way which violated my duties. Sadly, I find that the situation here is not likely to be fixed before it does much more harm both to the Court as an institution and to me personally. I can abide neither.

Respectfully submitted,



Gene C. Galassini

The Honorable Barbara J. Vigil, Chief Justice

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cc: The Honorable Scott Newton, Presiding Judge, Otero County Magistrate Court
Arthur Pepin, Director, Administrative Office of the Courts
Rosemary McCourt, Magistrate Court Division Director
Jason Clack, Magistrate Court Division Staff Attorney
The Honorable James W. Counts, Chief Judge, Twelfth Judicial District Court