



FY 2017 ANNUAL REPORT





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COMMISSIONERS *at time of publication*

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode
Caleb Chandler

Hon. John A. Dean, Jr.

Hon. Alisa A. Hart

Norman L. Gagne, Esq.

Hon. Maurine Laney

Hon. Steven O. Lee

Beth Paiz

Kimberli Ronquillo

Ruth M. Schifani, Esq.

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Judicial Standards Commission



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CHAIR

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VICE-CHAIR

JOHN BODE
JAIME CHAVEZ
HON. JOHN A. DEAN, JR.
NORMAN L. GAGNE, ESQ.
HON. MAURINE LANEY
HON. STEPHEN O. LEE
BILL LESLIE
BETH PAIZ
HON. JERRY H. RITTER, JR.
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PHYLLIS A. DOMINGUEZ, ESQ.
SENIOR INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ.
INVESTIGATIVE TRIAL COUNSEL

September 1, 2017

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

Ladies and Gentlemen:

The Judicial Standards Commission once again experienced another highly productive year as is evidenced by the statistics contained in the Annual Report. Thus, our Commission, once again retained its position as one of the most productive and prominent in the nation.

The Commission's Executive Director, Randy Roybal, and his staff have continued to provide a high level of support to the Commission. Training for staff, as well as for the public members on the Commission, has remained a priority. The dedication and integrity of the entire staff have made it a pleasure and an honor to serve on this Commission.

Sincerely yours,

A handwritten signature in blue ink that reads "Joyce Bustos".

Joyce Bustos
Chair



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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, 2017

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 | William Leslie (D)* | 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. Jerry H. Ritter, Jr. | Supreme Court | 07/01/13–06/30/17 |
| 10 | Malinda Williams (D)* | Governor | 07/01/14–06/30/19 |
| 11 | Hon. Maurine Laney | Supreme Court | 07/01/15–06/30/19 |
| 12 | Jaime Chavez (R) | Governor | 07/01/13–06/30/18 |
| 13 | Hon. Steven O. Lee | Supreme Court | 07/01/13–06/30/17 |

**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, 2017

JOHN BODE was appointed to the Commission by Governor Susana Martinez in December 2012, and re-appointed in July 2016. He is the President 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.



JAIME CHAVEZ was appointed to the Commission by Governor Susana Martinez in April 2014. He is the former Chief of Police for the New Mexico State University Police. He served in the department for over 30 years before retiring in 2012. He has worked as a consultant and trainer for police internationally and serves as a police use of force expert witness. He is a graduate of New Mexico State University with a degree in criminal justice. He is also a graduate of the FBI National Academy 198th Session and the Southwest Command College. He currently is employed as an investigator with the Department of Corrections Security Threat Intelligence Unit (STIU) Fugitive Apprehension Unit. In his off time he enjoys traditional archery, building wooden arrows and teaching people how to use firearms safely. He is married with 3 children.



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 thirty eight years, before becoming 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 still teaches there. 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 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 amateur photographer, plays the cello, draws and occasionally is a classical music DJ. He regularly presents 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. 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 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.



WILLIAM N. (BILL) LESLIE was appointed to the Commission by Governor Susana Martinez in December 2013. Married with three children, Bill retired after a 32-year career with Public Service Company of New Mexico. In 2000, he founded and served as president of Sage Energy Group Inc. (Sage), a New Mexico Corporation, handling all contract development and negotiations for the corporation. With a client target group of governmental institutions, tribal entities, utilities, large commercial/industrial companies, and other utility infrastructure asset owners, Sage has successfully managed numerous short- and long-term contracts, both within and outside of New Mexico, offering expertise from building and electric utility, utility infrastructure design/improvements, to evaluations/analysis on today's renewable energy interests. Bill believes in a strong commitment to the State and community, and has served on numerous Boards and Committees. In addition to his current service to the New Mexico Judicial Standards Commission, he has previously enjoyed

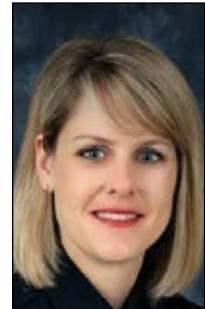


working with, and for the University of New Mexico, New Futures School, United Way of America, United Way of New Mexico, Greater Albuquerque Chamber of Commerce, Albuquerque Hearing and Speech Language Center, and All Faiths Receiving Home, to name a few. With family and friends, in business or community service, Bill approaches his involvement with the highest regard to both personal and professional ethics.

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.



HON. JERRY H. RITTER, JR. was appointed to the Commission by the New Mexico Supreme Court in 2009 and reappointed in 2013. Judge Ritter was a District Judge for the Twelfth Judicial District (Otero and Lincoln Counties) since 1997 and has served twice as Chief Judge for the district. He is a graduate of New Mexico State University and the University of New Mexico School of Law. From 1987 to 1992, Judge Ritter practiced law in Alaska with a small firm and as general counsel to an Alaska Native Regional Corporation. Returning to New Mexico, he was in private practice until 1994 when he became an Assistant District Attorney for the Twelfth Judicial District. He served on the New Mexico Sentencing Commission, the statewide Judiciary Budget Committee and other court committees, and presided over a juvenile drug court. He is active in his church as a youth leader and with the Boy Scouts of America. He is married with seven children.



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 six 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 Sperlring. 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, June 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. HOLGIN, ESQ.
July 1993–October 2003

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

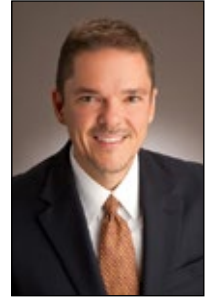
DAVID R. GARDNER, ESQ.
October 1974–September 1984



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) having been elected to and served for 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 licensed member of the New Mexico 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.



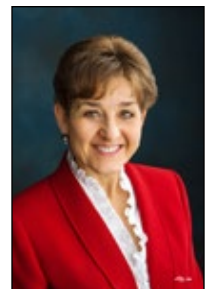
SENIOR INVESTIGATIVE TRIAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ. joined the Commission staff in January 2012 and serves as Senior Investigative Trial Counsel. She is a member of the Association of Judicial Disciplinary Counsel. 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.



INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ. joined the Commission staff in October 2012 and serves as 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.

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 T. 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, for which she later taught legal assistant courses and organized court clerk workshops. She has experience as a legal assistant and paralegal, including extensive trial experience, 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/board member of her neighborhood association for many years.



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 Rule 27-104 NMRA 2011. 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 indicating a disability or a 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.

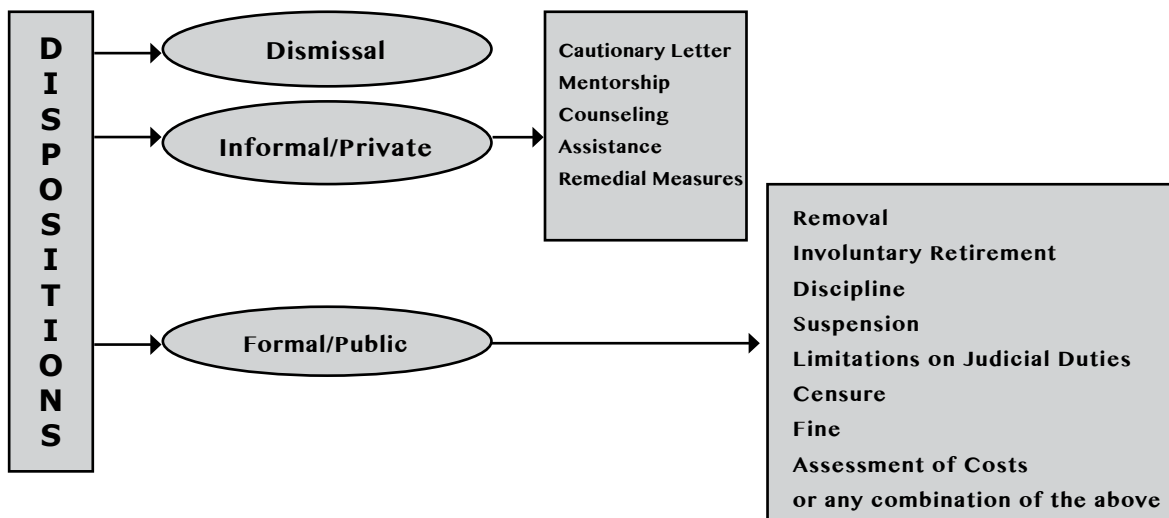
Formal Proceedings. If at least seven of the thirteen members of the Commission vote to begin formal proceedings, a Notice of Formal Proceedings will be issued and served upon the judge. The Notice of Formal Proceedings will contain the charges alleged, the facts upon which the charges are based, the 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 termination 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.



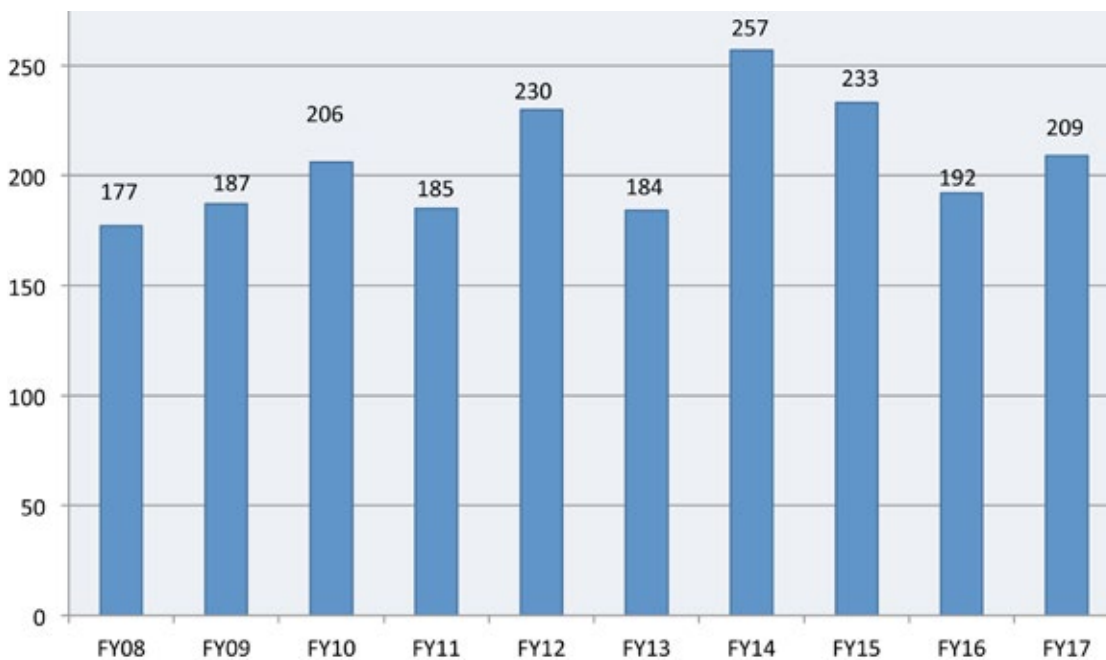


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2016–JUNE 30, 2017

COMPLAINTS RECEIVED

In FY 2017 the Commission received 209 written complaints, which is comprised of the following: 171 verified complaints (includes Commission-initiated and reopened inquiries) and 38 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS

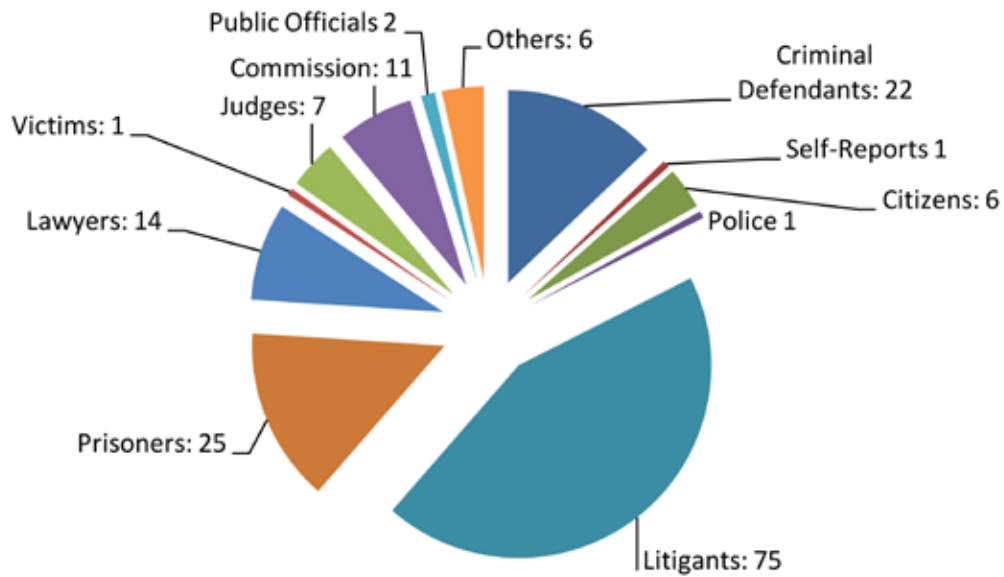


The Commission has a screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request them. Since 2001 complaint forms and detailed filing instructions have also been available to download from the Commission's website. In June 2016, the Commission made the forms in English and Spanish available to complete online, but all forms are still required to be mailed for filing.

SOURCES OF VERIFIED COMPLAINTS

Of the 171 verified complaints filed with the Commission, the distribution of the sources of written, verified complaints was the following: 75 by litigants or their family/friends, 22 by criminal defendants or their family/friends, 6 by citizens, 2 by public officials, 14 by lawyers, 7 by judges, 1 by police, 25 by prisoners, 1 by victims, 1 self-report, and 6 by others. Additionally, 11 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



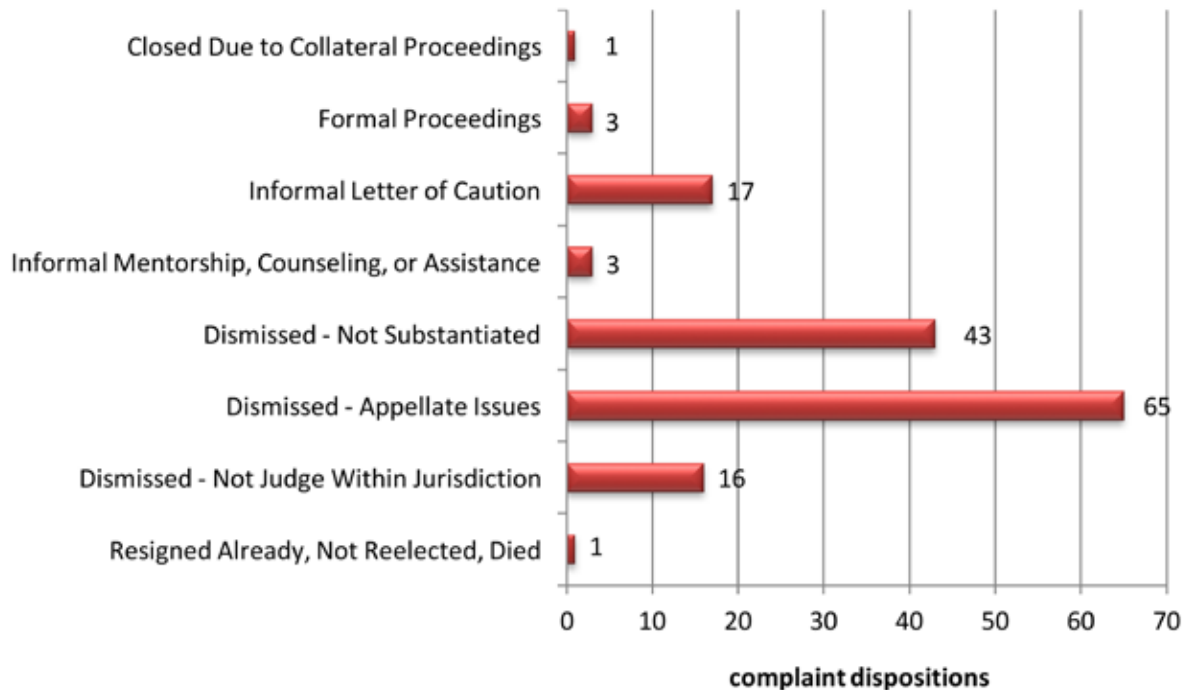
JUDGES REVIEWED

| JUDICIAL BRANCH | VERIFIED COMPLAINTS | PERCENTAGE OF CASELOAD |
|--------------------|---------------------|------------------------|
| Supreme Court | 3 | 1.8% |
| Court of Appeals | 1 | 0.6% |
| District Court | 82 | 48.0% |
| Metropolitan Court | 2 | 1.1% |
| Magistrate Court | 53 | 31.0% |
| Municipal Court | 18 | 10.5% |
| Probate Court | 2 | 1.1% |
| Not a Judge | 10 | 5.9% |

CASE DISPOSITIONS

| | |
|---|-----------|
| Inquiries Pending at Beginning of FY17 (July 1, 2016) | 38 |
| New Written/Verified Complaints and Inquiries in FY17 | 171 |
| Inquiries Concluded in FY17 | (149) |
| Inquiries Pending at End of FY17 (June 30, 2017) | 60 |

Of the 149 cases disposed in FY 2017, the Commission concluded 3 cases (involving 3 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 17 informal letters of caution. 65 cases were dismissed as appellate, 16 cases because they concerned individuals beyond the Commission’s jurisdiction, and 43 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. No cases were dismissed because the judges died, resigned, or were not reelected, and 1 matter was closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2017 case dispositions.

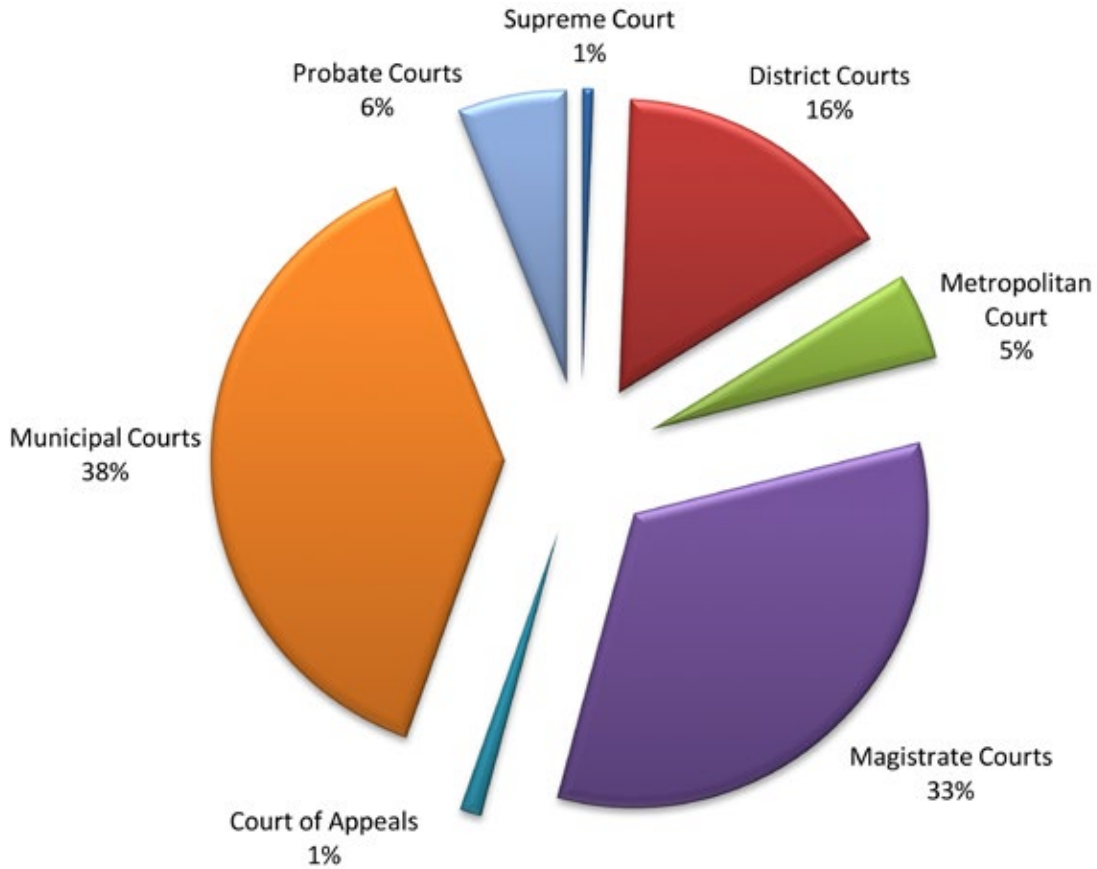


HISTORICAL CASES FILED IN THE SUPREME COURT

From July 1, 1968 through June 30, 2017, the Commission filed 162 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 131 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.

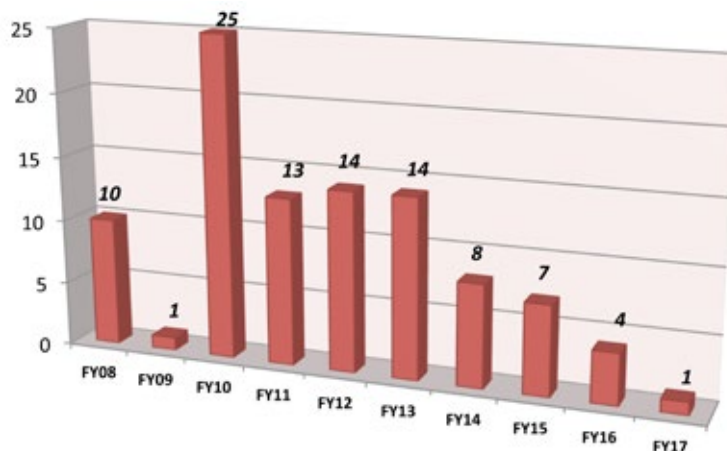
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2017, 1 case was disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 186 cases concerning 88 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, or entering into a confidential stipulation agreement concerning the conduct in question. Since its formation in 1968 through June 30, 2017, the Commission has informally disposed of 432 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 (313 CASES)

| JUDICIAL BRANCH INVOLVED | NUMBER OF CASE FILES | PERCENT OF ALL CAUTIONS |
|--------------------------|----------------------|-------------------------|
| Supreme Court | 1 | 0.3% |
| Court of Appeals | 2 | 0.6% |
| District Court | 89 | 28.4% |
| Metropolitan Court | 30 | 9.6% |
| Magistrate Court | 112 | 35.8% |
| Municipal Court | 75 | 24.0% |
| Probate Court | 4 | 1.3% |

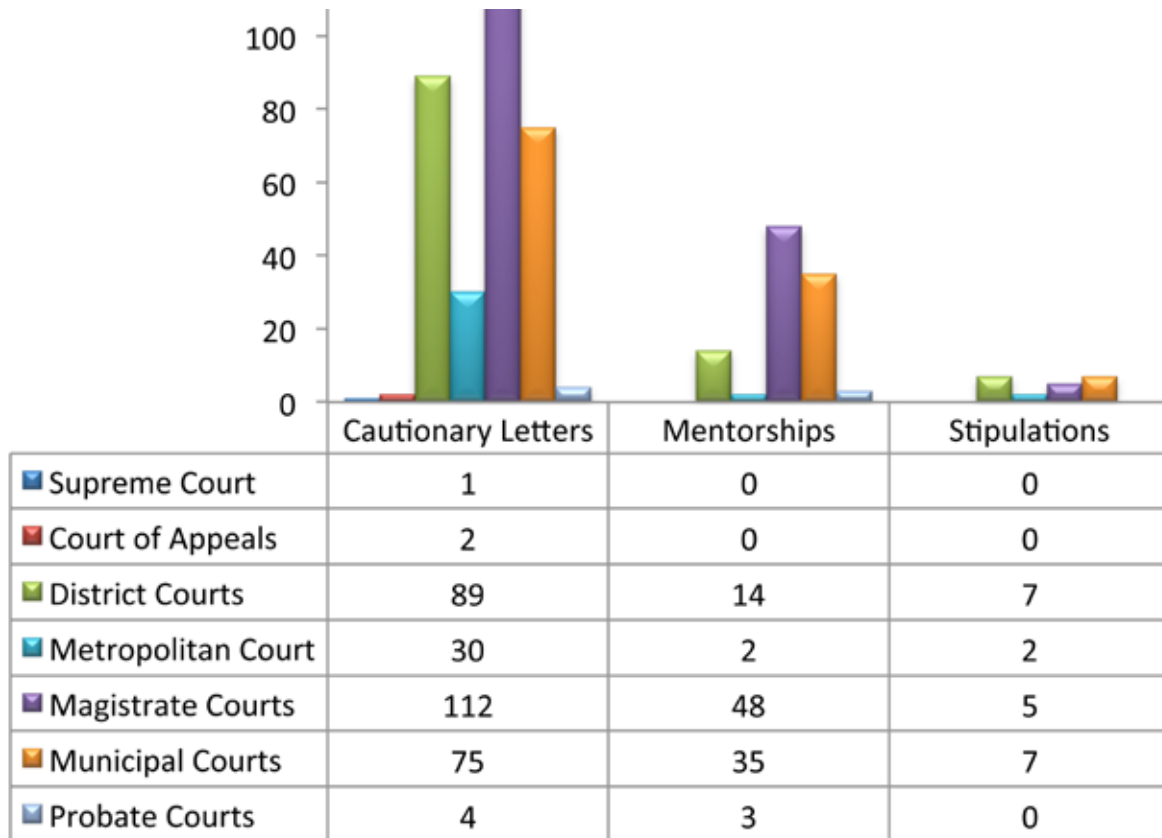
MENTORSHIPS (102 CASES)

| 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 | 13.7% |
| Metropolitan Court | 2 | 2.0% |
| Magistrate Court | 48 | 47.1% |
| Municipal Court | 35 | 34.3% |
| 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 2017, 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, 2016–JUNE 30, 2017**

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.

FORMAL PROCEEDINGS

In FY 2017, the Commission conducted formal proceedings concerning 3 cases involving 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 2017.

MATTER OF HON. DELILAH MONTANO-BACA

Sandoval County Magistrate Court

JSC Inquiry No. 2015-048

Supreme Court Docket No. S-1-SC-35734

On April 30, 2015, the Commission issued a Notice of Preliminary Investigation to Judge Delilah Montano-Baca. Judge Montano-Baca filed her response on May 19, 2015. On July 30, 2015, the Commission issued a Notice of Formal Proceedings to Judge Montano-Baca, to which she responded on August 26, 2015.

Judge Montano-Baca and the Commission entered into a Stipulation Agreement and Consent to Discipline which was filed on February 4, 2016. On February 9, 2016, the Commission filed a Petition to Accept Stipulation Agreement and Consent to Discipline with the Supreme Court. The petition provided in part:

1. **Formal mentorship.** The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of *ex parte* communication and avoiding the abuse of the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to be issued during the period of mentorship, formal proceedings in Inquiry No 2015-048 will be initiated and admissions in Inquiry No 2015-048 will be used in formal proceedings.

2. **Unsupervised probation for a period of one (1) year.** Following Respondent's anticipated successful completion of a formal mentorship, Respondent will be on unsupervised probation for a period of one (1) year. The one-year probationary period will commence upon conclusion of the mentorship on the day the Commission files the final mentor report with the Supreme Court. If Respondent violates any provision of the Code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to be issued during the period of unsupervised probation, formal proceedings in Inquiry No. 2015-048 will be initiated and admissions in Inquiry No. 2015-048 will be used in probation revocation and formal proceedings.

3. Respondent agreed that she engaged in willful misconduct by committing the following acts:

A. Respondent initiated *ex parte* communications with Thirteenth Judicial District Court Judge Cheryl H. Johnston and abused the prestige of judicial office by asking to see Judge Johnston in chambers in an attempt to seek favored and/or expedited treatment for Respondent's son's case.

Respondent told Judge Johnston that her son's paternity case was going to come before her and Respondent asked Judge Johnston if she was going to recuse from it. Respondent further told Judge Johnston that if she was going to recuse, she should do so soon.

B. Respondent admits that this admitted conduct violates the following Rules of the Code of Judicial Conduct:

- (1) 21-101, Compliance with the law;
- (2) 21-102, Promoting confidence in the judiciary;
- (3) 21-103, Avoiding abuse of the prestige of judicial office;
- (4) 21-204(B), External influences on judicial conduct; and,
- (5) 21-209(A), *Ex parte* communications, NMRA 2012.

Oral argument was held on March 28, 2016, at which time the Supreme Court accepted the Stipulation Agreement and Consent to Discipline subject to: (1) the Commission's submission of a formal mentorship plan which shall be for a period of no less than six (6) months and shall begin upon the appointment of a mentor by the Court; (2) the Commission's recommendation of a judge who is an attorney to serve as Respondent's mentor under the formal mentorship plan; and (3) the formal mentorship plan shall include specific goals for Respondent to address her violations of Rules 21-102, 21-103 and 21-204 of the Code of Judicial Conduct. It was further ordered that the file be unsealed.

The Supreme Court approved the mentor and formal mentorship plan on May 23, 2016. Judge Montano Baca successfully completed the mentorship and the probationary term, which ended on March 28, 2017.

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, and 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 before the Supreme Court was scheduled for July 24, 2017.

This matter was ongoing at the end of FY 2017. Subsequent reportable events will be provided in the Commission's Annual Report for FY 2018.

MATTER OF HON. DARREN KUGLER
Third Judicial District Court
JSC Inquiry No. 2016-055
Supreme Court Docket No. S-1-SC-36274

On August 17, 2017, the Commission issued a Notice of Preliminary Investigation to Judge Kugler. Judge Kugler filed his response on October 11, 2016. On December 19, 2016, the Commission issued a Notice of Formal Proceedings to Judge Kugler.

On January 3, 2017, Judge Kugler tendered his resignation from judicial office, which he intended to be effective on January 31, 2017; however, formal proceedings commenced by the Commission may not unilaterally be disposed of by a judge's resignation.

On January 23, 2017, the Commission accepted and entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings with Judge Kugler. That same day the Commission filed a Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings under seal with the Supreme Court. The Petition detailed the following specific acts and conduct to which Judge Kugler admitted:

1. On or about November 10, 2015, during a show cause hearing in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to comply with contempt law and violated the due process of both parties when he:
 - a. failed to provide notice of the specific conduct for which the individual litigants could be held in contempt;
 - b. swore in the *pro se* litigants and took testimony from each of them without advising them of their constitutional rights and the protections afforded them as criminal contempt defendants; and,
 - c. sentenced both litigants to time in jail, which they served.

2. On or about December 11, 2015, at a motion hearing in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to comply with contempt law and violated the due process of Plaintiff, Rene Muñoz, when he:

- a. found Mr. Muñoz in direct criminal contempt for not complying with the Order Appointing Parenting Coordinator, following Mr. Muñoz' testimony that he did not have the money to pay the parenting coordinator fees, conduct which Judge Kugler did not personally witness;
- b. summarily punished Mr. Muñoz by having him immediately remanded without providing any warnings, advising him of his constitutional rights, or allowing him to defend or provide an explanation for the alleged behavior;
- c. failed to provide a provision for bond;
- d. failed to specify the length of the sentence, but instead issued a Detention Order ordering Mr. Muñoz incarcerated "until further Order of this Court;"
- e. failed to state in the Detention Order the conduct constituting the alleged direct criminal contempt and any warnings given;
- f. failed to schedule a hearing on the contempt charge until specifically requested by Mr. Muñoz' attorney after Mr. Muñoz had been in jail without bond for eleven (11) days; and,
- g. sentenced Mr. Muñoz to 179 days in jail, where he served an additional sixty (60) days until he was released pending appeal of Judge Kugler's contempt order to the New Mexico Court of Appeals.

3. On or about December 11, 2015, at a motion hearing in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to comply with contempt law and violated the due process of Plaintiff, Rene Muñoz, and his Fifth Amendment right when Judge Kugler subjected Mr. Muñoz to double jeopardy by holding him in contempt a second time—the first time being on November 10, 2015—for the same offense of not complying with the Order Appointing Parenting Coordinator.

4. On or about June 10, 2014, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to both parties by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit:

- a. "Here's the visitation I plan on. The visitation schedule is whoever has the children is out of custody, whoever does not have the children is in custody. Maybe we'll do a week on, week off. Maybe she'll only have weekends, but you'll be spending the rest of the time, when the children are not in your custody, in jail.";
- b. "I want to make sure both of you understand, we have any more problems, one or both of you are going to jail and it may not require a hearing. I see anything else like this, I'm issuing a warrant. We are done.";
- c. "Ms. Limon, I'm not gonna waste time talking to you. You have made such a mess of this that it's not worth me spending time....";
- d. "Ms. Limon, the behavior you've engaged in defies imagination.";
- e. "Ms. Limon, I'm not addressing you much because there's not much to say.... You're almost beyond redemption.";
- f. "You're blaming [the parenting coordinator]. Did [she] force you to have sex with Ms. Limon and produce two children and marry her? You did that."; and,
- g. "I don't care if one of you is a prostitute or a male escort. I don't care if she was dancing in a cage or the two of you engage in satanic worship. It's about your children. And this nonsense is over.... I'm going to address problems with you two very simply—with detention orders or arrest warrants. There will be no more warnings. There will be no more nonsense."

5. On or about December 4, 2014, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to both parties by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit:

a. "Get off your high horse. Have a seat before I have you detained. This is pathetic.... This is the history you created.... Don't dump it on me."; and,

b. "I'll come up with a custody plan. You spend a week in jail, she has custody. She spends a week in jail, you have custody."

6. On or about December 11, 2014, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to Plaintiff, Rene Muñoz, by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit:

a. "Mr. Muñoz--\$100 fine. Form a question. No speeches. Questions start with who, what, where, when, why, how, please tell, describe, explain. No speeches. \$100 fine. Understood? Do it again, it goes up."; and,

b. (when swearing in Mr. Muñoz) "That's your left hand!" Then, after slamming the file down on the bench, "Are you mocking me?" After Mr. Muñoz stated he was a little nervous, Judge Kugler stated, "You oughta be.... You come in this Court and make a mockery of it. You oughta be nervous."

7. On or about July 20, 2015, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to Plaintiff, Rene Muñoz, by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit: "Mr. Muñoz. Have a seat. This is the second time I'm instructing you not to wander around here like this is your living room.... This is your last warning. Until you're told to move, you'll stay where you are. Understood?"

8. On or about November 10, 2015, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to both parties by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit:

a. "I'll warn both of you, if behavior keeps up, you'll be serving a lot more time than that. I could order you to be responsible adults, but I don't know how to enforce that. You've been playing games with the Court for far too long a time. And I'm not gonna put up with it anymore. Next time we issue an order to show cause hearing, make sure you're ready because at an order to show cause hearing I can give you each 179 days county jail with no further hearing. Probably likely that I will."; and,

b. "I'm not gonna play referee for your cage match. I'm just gonna put you in a cage."

9. On or about December 11, 2015, in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, Judge Kugler failed to be dignified, patient, and courteous to both parties by shouting or raising his voice and by making belittling, condescending, derisive, inappropriate and disparaging remarks, to wit:

a. "You didn't pick a very good spouse and she's probably not the ideal mother. You picked her, I didn't.";

b. "You present this as though you're a white knight, that you're the one who has been the savior of the children. You're forcing those children to make a decision, not based

on a situation they created, but a situation you created. You picked Ms. Limon.... You produced two children and if you can't have it your way, you're just gonna cut 'em loose."; and,

c. "Once again, you're back to your normal approach. If it doesn't go your way, you're just gonna throw a tantrum like a two-year-old. You know how immature this is?"

10. Judge Kugler failed to recuse in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, when his impartiality could reasonably be questioned by the following statements the Judge made on the dates indicated, suggesting Judge Kugler was prejudging what would happen to the parties in future hearings, to wit:

a. June 10, 2014—"Here's the visitation I plan on. The visitation schedule is whoever has the children is out of custody, whoever does not have the children is in custody. Maybe we'll do a week on, week off. Maybe she'll only have weekends, but you'll be spending the rest of the time, when the children are not in your custody, in jail.";

b. June 10, 2014—"I want to make sure both of you understand, we have any more problems, one or both of you are going to jail and it may not require a hearing. I see anything else like this, I'm issuing a warrant. We are done.";

c. June 10, 2014—"I'm going to address problems with you two very simply—with detention orders or arrest warrants. There will be no more warnings.";

d. December 4, 2014—"I'll come up with a custody plan. You spend a week in jail, she has custody. She spends a week in jail, you have custody.";

e. November 10, 2015—"I'll warn both of you, if behavior keeps up, you'll be serving a lot more time than that.... Next time we issue an order to show cause hearing, make sure you're ready because at an order to show cause hearing I can give you each 179 days county jail with no further hearing. Probably likely that I will."; and,

f. November 10, 2015—"I'm not gonna play referee for your cage match. I'm just gonna put you in a cage."

11. Judge Kugler failed to recuse in the case of Rene Muñoz v. Elizabeth Muñoz nka Elizabeth Limon, D307-DM-2002-1279, when his impartiality could reasonably be questioned by the following statements Judge Kugler made on December 21, 2015, suggesting he was using contempt procedures to punish Mr. Muñoz for his actions regarding his children, to wit:

a. "After both parties had apparently served their time, Mr. Muñoz, quite inappropriately and in flagrant disregard for this Court's orders, put his child in a position of having to decide between his parents. And when the child's decision was not to Mr. Muñoz' liking, he retaliated essentially by telling that child he wanted nothing more to do with him. For these two children and what they've gone through, that is one of the most cold-blooded, heartless acts I've ever seen. And it's in direct violation of this Court's order. It's contemptuous behavior....";

b. "He wanted nothing more to do with his children. That's contemptuous.";

c. "[A]ny claims from Mr. Muñoz that he was not specifically prohibited from cruelly forcing his child to make such an inappropriate decision is contemptuous.";

d. "In his own words at our last hearing he [Mr. Muñoz] said that he has 'paid and paid and paid.' He doesn't seem to acknowledge that his children have paid for the acts of the parents. They've paid in blood and pain.";

e. "I can require him to be a not bad parent. What he did to this child is inexcusable.";

f. "[H]is children have paid the price. He wants to take a pound of flesh out of the children. The Court may make him pay the price for that."; and,

g. “For direct criminal contempt. For the infliction of emotional distress on your child, the Court sentences you to 179 days in the county jail.”

Further, Judge Kugler admitted that his conduct violated the Rules of the Code of Judicial Conduct 21-101, 21-102, 21-202, 21-203(B), 21-205(A), 21-208(B) and 21-211(A) NMRA 2012, and that his conduct constituted willful misconduct in office.

On February 1, 2017, the Supreme Court issued its Order granting the Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings, approving the Stipulation, ordering that the resignation Judge Kugler tendered be permanent effective at 5:00 p.m. on February 1, 2017, and unsealing the proceedings.

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 2017, the Commission issued cautionary letters resolving 18 cases involving 14 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 had *ex parte* communications with one of the parties in a case and failed to disclose the communication to the other party. In addition, after recusing from a case, the judge allegedly continued to act in the case by issuing orders, ruling on pending motions, ordering the parties to file specific documents and giving the parties deadlines, and filing Findings of Fact. The judge was cautioned to refrain from initiating, permitting, or considering *ex parte* communications or other communications made to the judge in a pending or impending matter when that communication is outside the presence of the parties or their attorneys, unless the communication is one expressly permitted by the Code of Judicial Conduct, and that if the judge inadvertently receives an unauthorized *ex parte* communication bearing on the substance of a pending or impending matter, the judge should promptly notify the parties of the substance of the communication and provide them an opportunity to respond. The judge was also cautioned to refrain from taking any actions in a case or reinserting him/herself into the proceedings after announcing the recusal, as a judge’s recusal is effective immediately upon announcing the intent to recuse.

2. A judge allegedly became involved in plea negotiations by informing the defendant what the judgment and sentence would be if the defendant pled a certain way. In addition, the judge allegedly yelled at an attorney in the midst of a proceeding. The judge was cautioned to refrain from becoming involved in plea negotiations and to be aware that a judge’s role concerning pleas is limited to accepting or rejecting the plea agreement presented by the parties. The judge was also cautioned to abide by the law and the rules of procedure for the court, and to be patient, dignified, and courteous to all persons with whom the judge interacts in an official capacity.

3. A judge allegedly gave legal advice to an acquaintance and subsequently prepared a legal document for the individual. The judge was cautioned to refrain from engaging in the practice of law by providing legal advice to individuals who are not members of the judge's family and by preparing legal documents for individuals who are not members of the judge's family. The judge was also cautioned to refrain from engaging in the practice of law unless the judge is on unpaid leave and has the written approval of the New Mexico Supreme Court.
4. A judge allegedly altered bond amounts on cases that were not assigned to the judge and abused the judge's position of authority by asking court employees to wear a certain color of clothing to support the judge's personal and/or political ideology. The Commission cautioned the judge to refrain from taking action in cases that are not assigned to the judge, and avoid the appearance of abuse of the prestige of judicial office and refrain from asking court employees to support the judge's personal and/or political ideology.
5. A judge allegedly failed to recuse from a case involving a relative. The Commission cautioned the judge to recuse from cases involving relatives within the third degree of family relationship by blood or marriage and to inform court staff of familial relationships to avoid conflict.
6. A judge allegedly failed to comply with a request to inspect a court record. In addition to completing an informal mentorship concerning the matter, the Commission cautioned the judge to comply with the Inspection of Public Records Act.
7. A judge allegedly took action in a case that was on appeal prior to receiving a mandate from the court to which the case was appealed. The judge was cautioned to refrain from taking action in a case that is on appeal until the higher court issues a mandate and remands the case for enforcement of the judgment.
8. A judge allegedly failed to complete an arraignment proceeding in a show cause hearing and engaged the defendant in a discussion on the substantive issue without advising the defendant of the right to remain silent and that any statements could be used against the defendant. The judge was cautioned to complete all required steps of the arraignment process as detailed in the rules of criminal procedure and to refrain from getting into a discussion of substantive issues relevant to the underlying reasons for a show cause hearing and/or arraignment, and from allowing defendants to make statements on substantive issues prior to advising them of their constitutional rights.
9. A judge allegedly distributed a campaign-related business card to a city employee during regular work hours. The Commission cautioned the judge to avoid the appearance of impropriety by refraining from distributing campaign materials at work.
10. A judge allegedly failed to be patient, dignified and courteous and also allegedly made statements that suggested a defendant would receive an undesirable consequence if the judge's ruling was appealed. The judge was cautioned to refrain from making statements that create an appearance of impropriety by indicating an attempt to steer a defendant toward a particular disposition and that may be perceived as a threat.
11. A judge allegedly failed to issue a mandate and remand a case to a lower court after entering a final order in an appeal. The judge was cautioned that after entering a final order

on an appeal from a lower court, to timely issue a mandate and remand to the lower court for enforcement of the judgment if the relief granted is within the jurisdiction of the lower court.

12. A judge allegedly attended and became involved in a hearing that was before another judge. The judge was cautioned to refrain from: making statements in a case pending or impending in any court that could reasonably be expected to affect the outcome or impair the fairness of a matter; abusing the prestige of judicial office by engaging in discussions with the presiding judge or litigants during court proceedings in other judges' courtroom; and, creating an appearance of impropriety by appearing in other judges' courtrooms during proceedings, unless the judge's appearance falls within an exception to the canons and rules of the Code of Judicial Conduct.

13. A judge allegedly initiated and/or engaged in a prohibited *ex parte* communication. The Commission cautioned the judge to refrain from the initiation or participation in conversations with litigants which appear to be *ex parte* in nature.

14. A judge allegedly violated the due process of a party by conducting an *ex parte* hearing, taking testimony on a matter that was not noticed, and by making a ruling that violated the parental rights of the absent party without providing the party notice or an opportunity to be heard on the matter. In addition, the judge allegedly failed to be fair and impartial in the proceedings and failed to recuse when the judge's impartiality could reasonably be questioned. The judge was cautioned to accord due process to all litigants and to provide every person who has a legal interest in a proceeding, or that person's lawyer, the opportunity to be heard, and to abide by the law and by the established rules of procedure. The judge was also cautioned to comply with notice procedures and to refrain from conducting a proceeding in which a party has not been properly noticed of the substance of the hearing, unless allowed by law.

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 2017, 4 inquiries involving 4 judges were disposed through informal remedial measures, which are discussed below.

1. A judge allegedly abused discretion by issuing bench warrants to defendants who were sometimes only minutes late to court, then cancelling the bench warrants, but imposing the \$100 bench warrant fee; and demonstrated inappropriate demeanor with fellow judges and court staff. The judge successfully completed an informal mentorship which addressed the concerns.

2. A judge allegedly took action concerning a probate matter by engaging in prohibited *ex parte* communication with the decedent's spouse and attempting an *ex parte* communication with an attorney. The judge completed an informal mentorship, which assisted the judge in determining the appropriate action required when confronted with a potential *ex parte* situation.

3. A judge allegedly failed to comply with a request to inspect a court record. In addition to receiving a letter of caution concerning the matter, the judge completed an informal mentorship assisting the judge with compliance of the Inspection of Public Records Act.

4. A judge denied due process to a party by failing to provide notice or an opportunity to be heard, when the judge granted the other party's *ex parte* request for a continuance. In addition, the judge had an *ex parte* communication with a party bearing on the substance of the matter; created an appearance of impropriety by calling a party into chambers, following a hearing; failed to be patient, dignified, and courteous by speaking to a party with a raised voice and referring to the party by the party's first name. The judge was directed to participate in an informal mentorship for a minimum of six (6) months, which the judge successfully completed.

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 2017, 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 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 2017, the State Legislature appropriated \$818,300.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct.

FY 2017 Commission expenditures totaled \$817,472.62 from the General Fund. Summaries by category of the Commission's expenditures are provided herein for each fund.

FY 2017 EXPENDITURES FROM THE GENERAL FUND

| DESCRIPTION | AMOUNT | PERCENTAGE |
|--------------------------------------|-------------------|-----------------|
| Employee Compensation | \$510,663.91 | 62.500% |
| Employee Benefits & Taxes | 175,518.51 | 21.500% |
| Employee/Board Training & Licensing | 4,783.46 | 1.600% |
| Commission Travel | 9,499.76 | 1.200% |
| Investigation & Prosecution Expenses | 2,371.43 | 0.300% |
| Contractual Services | 22,321.22 | 2.700% |
| Rent, Telecom, IT & Overhead | 78,991.02 | 9.200% |
| Equipment, Supplies & Postage | 14,150.69 | 1.000% |
| TOTAL | 817,472.41 | 100.000% |

In FY 2011 the Commission collected \$2,115.16 in investigation and trial cost reimbursements from judges, which were detailed in the FY 2011 Annual Report. All but \$1,545.38 was expended in FY 2011. The remaining \$1,545.38 was expended or reverted in FY 2017. In FY 2017 the Commission did not collect any additional cost reimbursements from judges.

| DESCRIPTION | FY 2017 COSTS | FY 2017 FINES | BALANCE |
|---------------------------------|---------------|---------------|---------------|
| Balance Forward from FY 2011 | | | \$ (1,545.38) |
| FY 2017 Collections from Judges | 0.00 | 0.00 | |
| FY 2017 Expended or Reverted | | | 1,545.38 |
| FY 2017 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 through FY 2017, the total amount due from Mr. Griego is \$10,995.21. 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 through FY 2017, Mr. Ryan owes \$855.02.

FY2017 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

| | | |
|---|---------------|-----------------|
| FY 2017 Final Approved Budget | \$ 818,300.00 | |
| Total FY 2017 General Fund Expenditures | | \$ (817,472.41) |
| FY 2017 Reversion to General Fund | | \$ (827.59) |
| 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 | REVERSION FROM COST REIMBURSEMENTS | REVERSION AS % OF FUNDING |
|-------------|-----------------------|--------------|-----------------------------|------------------------------------|---------------------------|
| 2006 | 650,816.00 | 650,253.11 | 0.00 | \$562.89 | 0.087% |
| 2007 | 688,853.00 | 688,812.57 | 40.43 | \$0.00 | 0.006% |
| 2008 | 819,548.00 | 803,295.93 | 0.00 | \$16,252.07 | 1.983% |
| 2009 | 842,973.00 | 832,600.37 | 6,799.01 | \$3,573.62 | 1.231% |
| 2010 | 780,002.40 | 749,752.96 | 22,047.04 | \$8,202.40 | 3.878% |
| 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 | 2,765.37 | 0.00 | 0.322% |
| 2016 | 853,745.38 | 847,909.21 | 5836.17 | 0.00 | 0.684% |
| 2017 | 818,300.00 | 817,472.41 | 827.59 | 0.00 | 0.101% |

