



FY 2014 ANNUAL REPORT





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COMMISSIONERS

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode
Jaime Chavez

Norman L. Gagne, Esq.
Hon. Buddy J. Hall
Hon. Steven O. Lee
William Leslie
Hon. Nan G. Nash
Elizabeth Paiz
Hon. Jerry H. Ritter, Jr.
Norman S. Thayer, Esq.
Darla Wax

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Executive Director & General Counsel

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Investigative Trial Counsel

Deborah L. Borio, Esq.
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JUDICIAL STANDARDS COMMISSION



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VICE-CHAIR

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JAIME CHAVEZ
NORMAN L. GAGNE, ESQ.
HON. BUDDY J. HALL
HON. STEPHEN O. LEE
BILL LESLIE
HON. NAN G. NASH
BETH PAIZ
HON. JERRY H. RITTER, JR.
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EXECUTIVE DIRECTOR & GENERAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ.
INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ.
INVESTIGATIVE TRIAL COUNSEL

September 1, 2014

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 has experienced another highly productive, yet challenging year. High profile cases continue to draw media attention, thereby keeping New Mexicans informed of the Commission's most serious work and providing opportunities for all to learn. Our Commission once again retained its position as one of the most productive and prominent in the nation.

With the recent amendment to the New Mexico Constitution, two new positions were added to the Commission July 1, 2013: a municipal judge and a seventh public member. Additionally this past year, we welcomed the appointment of a new public member. These changes have allowed the Commission to continue to fulfill its mission on behalf of the citizens of our great state. We look forward to the participation of the new members joining the Commission during FY 2015.

The Commission's Executive Director, Randy Roybal, and his staff have continued to provide a high level of support to the Commission. The Commission was pleased that in recognition for his accomplishments and this Commission's good work, Mr. Roybal completed a third term as president and began a third three-year term on the board of directors of the Association of Judicial Disciplinary Counsel during FY 2014. The dedication and integrity of the entire Commission 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". The signature is written in a cursive, flowing style.

Joyce Bustos
Chair



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COMMISSION TERMS & POSITIONS

As set forth in Article VI, §32 of the New Mexico Constitution and New Mexico Statutes Annotated §34-10-1 through §34-10-4, 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 lay membership. 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.

COMMISSIONERS AND STATUTORY POSITION TERMS AS OF JUNE 30, 2014

See NMSA 1978, §34-10-1, as amended June 1999

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Statutory Term</u>
1	Darla Wax (R)*	Governor	07/01/09–06/30/14
2	William Leslie (D)	Governor	07/01/10–06/30/15
3	John Bode (I)	Governor	07/01/11–06/30/16
4	Elizabeth Paiz (R)	Governor	07/01/12–06/30/17
5	Joyce Bustos (D)	Governor	07/01/08–06/30/13
6	Norman S. Thayer, Esq.*	State Bar	07/01/10–06/30/14
7	Norman L. Gagne, Esq.	State Bar	07/01/12–06/30/16
8	Hon. Nan G. Nash	Supreme Court	07/01/11–06/30/15
9	Hon. Jerry H. Ritter, Jr.	Supreme Court	07/01/09–06/30/13
10	Malinda Williams (D)*	Governor	07/01/09–06/30/14
11	Hon. Buddy J. Hall	Supreme Court	07/01/11–06/30/15
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 held over past term expiration as provided by law.*

Outgoing Members in FY 2014: Michael Castro, October 2013

Outgoing Members in FY 2015: Norman S. Thayer, Esq., July 2014

Incoming Members in FY 2015: Ruth M. Schifani, Esq., July 2014

COMMISSIONERS & STAFF



COMMISSION MEMBERS

AS OF JUNE 30, 2014

JOHN BODE was appointed to the Commission by Governor Susana Martinez in December 2012. 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 re-appointed 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 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 appointed to the Commission by the New Mexico State Bar Board of Bar Commissioners in July 2012. 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 four 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 an active member of the New Mexico State Bar Alternative Dispute Resolution Committee. 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 eighteen 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. BUDDY J. HALL was appointed to the Commission by the New Mexico Supreme Court in 2002, and was reappointed in 2003, 2007, and 2011. Judge Hall earned an associate of science degree from Clarendon Junior College in 1982 and a bachelor of science degree in animal science from the Texas Tech University in 1984. He has served on the bench of the De Baca County Magistrate Court since 1995. Judge Hall was the recipient of the 2013 Distinguished Bar Service—Non-Lawyer Award from the State Bar of New Mexico. In addition to his judicial duties, Judge Hall has served on several Magistrate Court boards and committees, including the Magistrate Board of Directors, Data Standards, Classification Committee (former member and past chairman), Clerks' Manual Review Panel, and the Magistrate Training Conference Panel. Judge Hall has also served with other community and charitable organizations, including the Community Corrections Advisory Panel, De Baca County Health Council, De Baca County DWI Task Force, Rotary International, De Baca County Chamber of Commerce, and the Valley Volunteer Fire Department. He also serves as the public address announcer for the Fort Sumner High School football games and volunteers at the school for other athletic as well as academic events. He is also a lay minister.



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 the New Mexico State University and graduated with an associate degree in criminal justice and studied law with the 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.



HON. NAN G. NASH was appointed to the Commission by the New Mexico Supreme Court in 2007. Judge Nash earned a bachelor of science degree in 1985 in environmental biology and public policy and a *juris doctor* degree in 1989 from Indiana University. She is a District Judge and has served on the bench of the Second Judicial District Court in Bernalillo County since 2003. Judge Nash was elected Chief Judge of the court in July 2014, served as the presiding judge of the family court from 2004 to 2007, and is currently assigned to the civil court. Prior to taking the bench, she was a family court hearing officer, a special commissioner in domestic violence, director of the court alternatives division, and an associate attorney at an insurance defense law firm in Albuquerque. Judge Nash is also an adjunct professor at the University of New Mexico School of Law and has taught courses in alternative dispute resolution, a family violence seminar, and family mediation training. Judge Nash is involved in numerous professional committees and task forces, particularly in the areas of domestic violence and alternative dispute resolution.



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 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. Judge Ritter has been 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 serves on the New Mexico Sentencing Commission, the statewide Judiciary Budget Committee, 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.



NORMAN S. THAYER, ESQ. was appointed to the Commission by the New Mexico State Bar Board of Bar Commissioners to a four-year term commencing July 1, 2010. He grew up in Raton, New Mexico, and graduated high school there in 1950. Mr. Thayer received a bachelor of arts degree with English major and history minor in 1954, and a *juris doctor* degree in 1960 from the University of New Mexico. He served three years as a naval officer from 1954–1957. Mr. Thayer served three years as an Assistant Attorney General from 1960–1964. He has practiced law in Albuquerque with the law firm of Sutin, Thayer & Browne since 1964, handling civil litigation of all kinds. His memberships and professional activities include: Governor’s Task Force on Ethics Reform (2007), Supreme Court Code of Judicial Conduct Committee (1993–2009), The Disciplinary Board of the Supreme Court (1985–1990), the Supreme Court Committee on Rules of Professional Conduct (1990–1998), and the State Bar Fair Judicial Elections Committee (2006–2008). Mr. Thayer received the Distinguished Achievement Award from the UNM Law School in 2013, was inducted into the State Bar’s Roehl Circle of Honor for Trial Lawyers in 2009, received the State Bar Distinguished Service Award in 2006, and received the Community Service Award of the American Board of Trial Advocates in 2007. He was a member of the Board of Bar Commissioners of the State Bar (1985–1986). He has also been active with the Albuquerque Museum, including memberships on the Board of Trustees (1989–1997) and the Board of Directors of the Albuquerque Museum Foundation (1985–1989), as well as receiving the Museum’s Award of Distinction (1996–1997).



DARLA WAX was appointed to the Commission by Governor Susana Martinez in March 2011. She served as Vice-Chair of the Commission from April–August 2011. Being a Las Cruces, New Mexico native, she is a 1982 graduate of Mayfield High School and earned a certificate in Computer Accounting from International Business College. She is currently employed as a legal secretary at the Law Office of Samuel I. Kane, P.A. Mrs. Wax volunteers to organize public awareness events regarding Domestic Violence and Teen Dating Violence and has participated as a guest speaker for organizations and groups involved in prevention education for teens in abusive relationships.



MALINDA WILLIAMS was appointed to the Commission by Governor Susana Martinez in March 2011. Ms. Williams has been employed since 1994 with Community Against Violence, Inc. (CAV), a progressive, successful non-profit agency in Taos County serving adult and child survivors of sexual and domestic violence, and child abuse. For the last 16 years she has been the organization’s executive director. During her career Ms. Williams has served on numerous boards often in a leadership position. Among them are organizations such as the New Mexico Coalition Against Domestic Violence and the New Mexico Coalition to End Homelessness, and she continues to be active in local and statewide committees, planning groups, and councils. She has been sought for her expertise in areas of domestic and sexual violence, child abuse, homeless-

ness, and fundraising and non-profit entrepreneurial efforts. She has been a presenter at state and national forums and conferences. She has co-developed models for best practices of engaging advocates from domestic violence agencies and child protective service caseworkers in joint responses to increase family safety. Ms. Williams continues to work 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	EXECUTIVE DIRECTORS OF THE COMMISSION
JOYCE BUSTOS, February 2012–Present	
LARRY TACKMAN, April 2011–February 2012	RANDALL D. ROYBAL, ESQ. August 2009–Present
DAVID S. SMOAK, August 2004–March 2011	
HON. DAN SOSA, JR., October 2003–August 2004	JAMES A. NOEL, ESQ. January 2004–June 2009
DOUGLAS W. TURNER, July 2001–March 2003	
BARBARA A. GANDY, August 1999–June 2001	PEG A. HOLGIN, ESQ. July 1993–October 2003
DOUGLAS W. TURNER, April 1997–August 1999	
ELEANOR SELIGMAN, February 1996–April 1997	SAMUEL W. JONES, ESQ. September 1984–June 1993
DONALD PERKINS, August 1994–February 1996	
FRED HARRIS, July 1992–August 1994	DAVID R. GARDNER, ESQ. October 1974–September 1984
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	



COMMISSION STAFF MEMBERS



EXECUTIVE DIRECTOR & GENERAL COUNSEL

RANDALL D. ROYBAL, ESQ. joined the Commission staff in February 1998, serves as Executive Director and General Counsel, and is the agency's Chief Financial Officer. In July 2014 completed his third term as President of the Association of Judicial Disciplinary Counsel ("AJDC"), the association for judicial disciplinary agency directors, counsel, investigators, and staff throughout the United States and Canada. He was elected to and has served on the AJDC board of directors since 2007–present, and was Vice-President in 2009–2011. Mr. Roybal regularly speaks at local, regional, and national conferences and events concerning judicial ethics and discipline. Prior to joining the Commission, Mr. Roybal served as an assistant attorney general at the

New Mexico Attorney General's Office, handling civil litigation, administrative licensing board prosecutions, judicial writs defense, and prison reform litigation. Before entering public service, he practiced law privately in Albuquerque for nearly five years. Selected past activities include: New Mexico State Bar Committees on Women in the Profession and on Minorities in the Profession, New Mexico State Bar Young Lawyers Division AIDS Law Panel, New Mexico Domestic Violence Legal HELPLine, and the boards of directors for New Mexico AIDS Services and Musical Theatre Southwest. Mr. Roybal earned a bachelor of arts degree in economics in 1988 from the University of New Mexico and a *juris doctor* degree in 1991 from the University of Notre Dame Law School.



INVESTIGATIVE TRIAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ. joined the Commission staff in January 2012 and serves as Investigative Trial 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 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 currently serves on the Board of Directors for the Albuquerque Sexual Assault Nurse Examiner's (SANE) Collaborative.



INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ. joined the Commission staff in October 2012 and serves as Investigative Trial 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 staff in 2004 and serves 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 immediate past chair for the State Bar of New Mexico Paralegal Division for 2013 and has served on the board of directors since January 2009. She is also the Albuquerque area coordinator for the Division's Continuing Legal Education programs and chair of the committee for statewide CLE programs. Ms. Sanchez also serves on the State Bar of New Mexico Board of Bar Commissioners, is a member of the Awards Committee for the State Bar annual meeting, and serves on the State Bar Commission on Professionalism. She is also a member of the Association of Judicial Disciplinary Counsel. She has legal assistant and paralegal experience spanning over 24 years. Prior to joining the Commission staff, the majority of her 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 personal injury and civil litigation.



CLERK OF THE COMMISSION & PARALEGAL

SHARIESSIE 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 plaintiff's 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.



FINANCE MANAGER

KRISTA M. GIANES-CHAVEZ joined the Commission staff in 2005 as Paralegal/Financial Specialist and serves as Finance Manager. 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 2008. She is currently the Chair of the Paralegal Division for 2013, and serves as the Paralegal Division membership committee Chair. In 2013 she joined with the Young Lawyers Division to begin a monthly veteran's initiative clinic, in which she still serves on today. In 2007 she was appointed to the Paralegal Advisory Committee for Central New Mexico Community College and continues to serve to date. She has also been a member of the Association of Government Accountants since 2009. Prior to joining the Commission, Mrs. Ganes-Chavez served for three years as a court clerk to Hon. Marie Baca of the Second Judicial District Court, Children's Court Division.





INVESTIGATOR

ROSALIE D. ANAYA joined the Commission staff in April 2012 and serves as Investigator. Ms. Anaya is a native to Albuquerque and served as an officer for the Albuquerque Police Department where she specialized as a Field Investigator and a Detective for the Crimes against Children Unit. Ms. Anaya was a certified instructor and taught preschool parents at day care facilities about the Awareness of Child Abuse. Ms. Anaya was the first woman to be shot in the Line of Duty in 1995 and was awarded the Purple Heart for her bravery. After retiring from the Albuquerque Police Department, she worked as a Private Investigator for approximately three years with Robert Caswell Investigations specializing in civil rights, tort claims filed against police agencies, child abuse, and wrongful death lawsuits. Ms. Anaya also worked for the Bernalillo County Sheriff's Department as a Deputy Court Security Specialist at District Court and at Metropolitan Court. Subsequently, she was hired by the Second Judicial District Attorney's Office and served as a Violent Crimes Senior Investigator for approximately six years. Ms. Anaya has accomplished two and a half years of Community College education and maintains her Law Enforcement Certification. Outside of the work place, Ms. Anaya was involved in the art of Judo for approximately twenty years and traveled all around the world. In the 1980s, Ms. Anaya was a National, International, and World Champion in the sport of Women's Judo. Ms. Anaya made history in 1983, winning the first Gold Medal in her weight division for the USA in women's Judo at the Pan American Games held in Caracas, Venezuela.



LAW OFFICE SPECIALIST

SUSAN M. TORRES joined the Commission staff in February 2014 and serves as a Law Office Specialist. She graduated from Cibola High School in 1998 and earned her Associates Degree in Paralegal studies from Metropolitan College in 2002. Prior to the Commission, 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 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.



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 a judge’s duties; habitual intemperance; and disability seriously interfering with the performance of the judge’s 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 viewable on the Commission’s website, www.nmjsc.org, under the Governing Provisions of Law tab.

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 also has jurisdiction over judicial candidates as provided in the New Mexico Code of Judicial Conduct,

NMSA §§21-001, *et seq.* 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. Where 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, and all matters before, the Commission 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 which 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 or ordered by the Court pursuant to the rules and orders of the Court. See 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 neither notified of frivolous nor unsubstantiated complaints, nor informed of 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.



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.

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, 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 closure of the matter 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

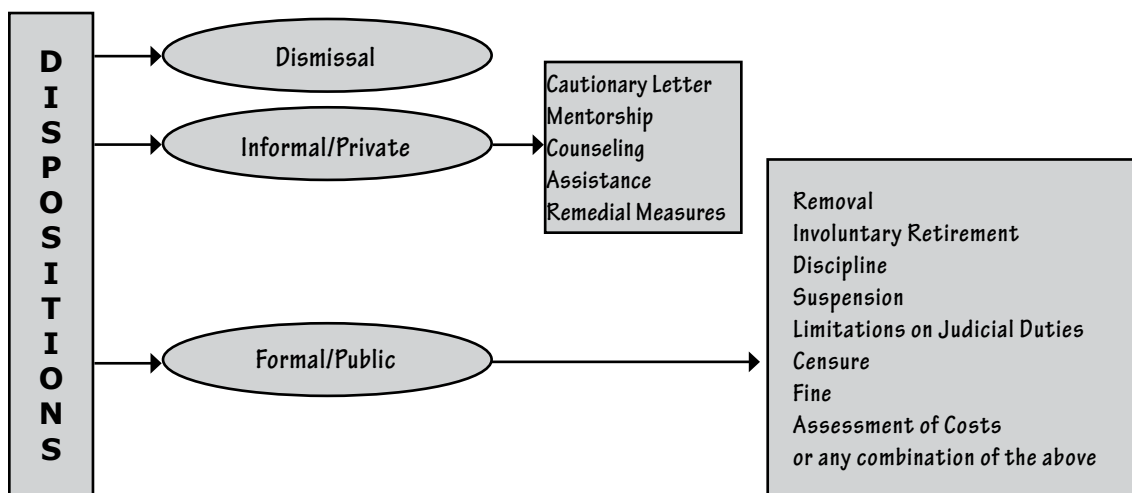
laws, canons and rules allegedly violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings. After service of a Notice of Formal Proceedings, the Commission's jurisdiction attaches and is not affected by subsequent resignation or termination from 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 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 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 recommendation of the Commission or requiring some other action.



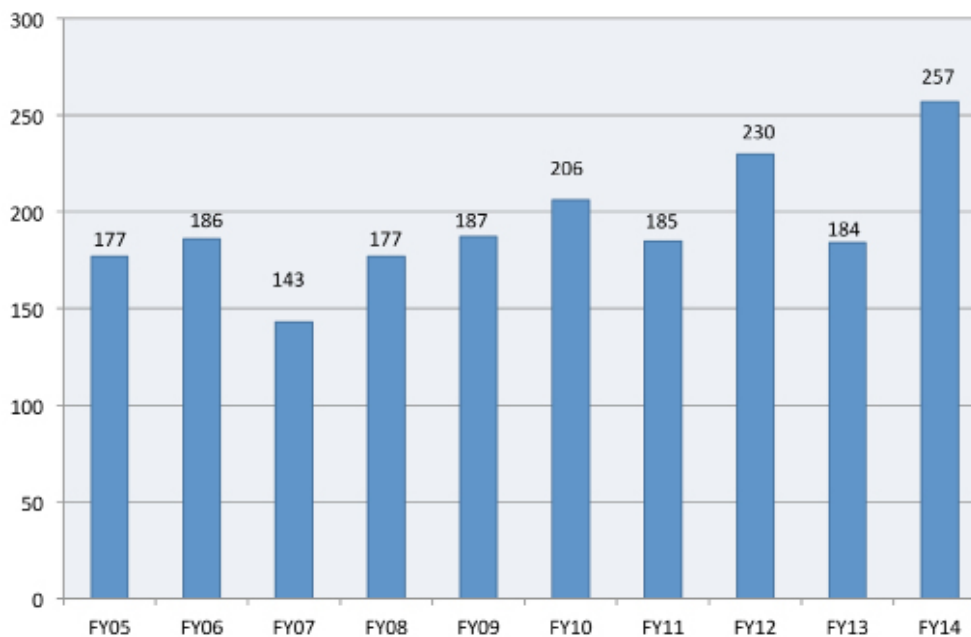


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2013–JUNE 30, 2014

COMPLAINTS RECEIVED

In FY 2014 the Commission received 257 written complaints, which is the highest number ever received in the Commission's history. The aggregate is comprised of 192 verified complaints (includes Commission-initiated and reopened inquiries) and 65 unverified complaints.

10-YEAR HISTORY OF COMPLAINTS

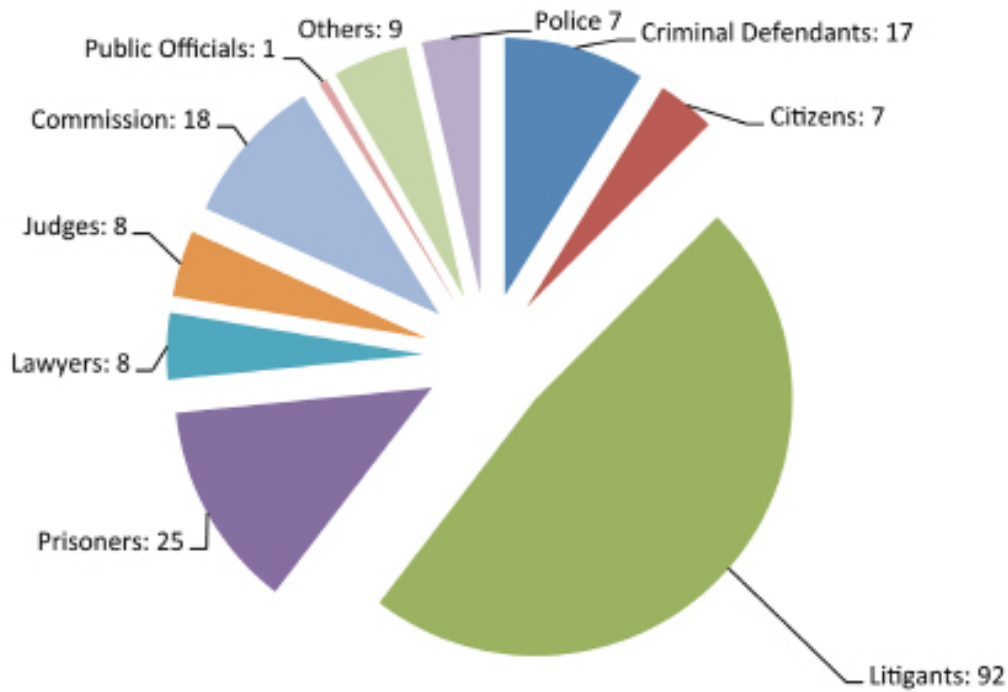


The Commission has an established pre-screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request one. Since 2001 complaint forms and detailed filing instructions have also been available to download from the Commission's website.

SOURCES OF VERIFIED COMPLAINTS

Of the 192 verified complaints filed with the Commission, most were filed by litigants. The distribution of the sources of written, verified complaints was the following: 92 by litigants or their family/friends, 17 by criminal defendants or their family/friends, 8 by lawyers, 7 by citizens, 1 by public officials, 25 by prisoners, 8 by judges, 7 by police, and 9 by others. Additionally, 18 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



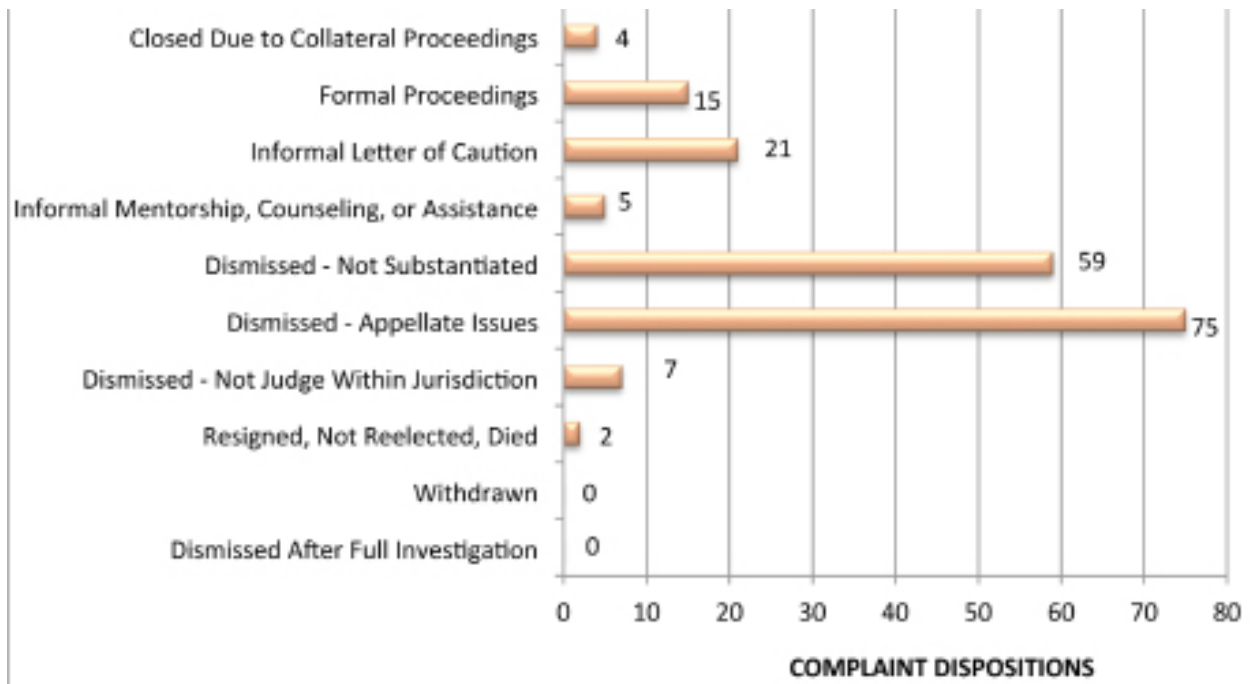
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	CASELOAD %
<i>Supreme Court</i>	2	1.0%
<i>Court of Appeals</i>	0	0.0%
<i>District Court</i>	108	56.3%
<i>Metropolitan Court</i>	5	2.6%
<i>Magistrate Court</i>	46	24.0%
<i>Municipal Court</i>	28	14.6%
<i>Probate Court</i>	1	0.5%
<i>Not a Judge</i>	2	1.0%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY14 (July 1, 2013)	46
New Written/Verified Complaints and Inquiries in FY14	192
Inquiries Concluded in FY14	188
Inquiries Pending at End of FY14 (June 30, 2014)	50

Of the 188 cases disposed in FY 2014, the Commission concluded 15 cases (involving 8 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 21 informal letters of caution. 75 cases were dismissed as appellate, 7 cases because they concerned individuals beyond the Commission’s jurisdiction, and 59 cases as unsubstantiated. In 5 cases involving 3 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. 2 cases were closed because the judges died, resigned, or were not re-elected, and 4 matters were closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2014 case dispositions.

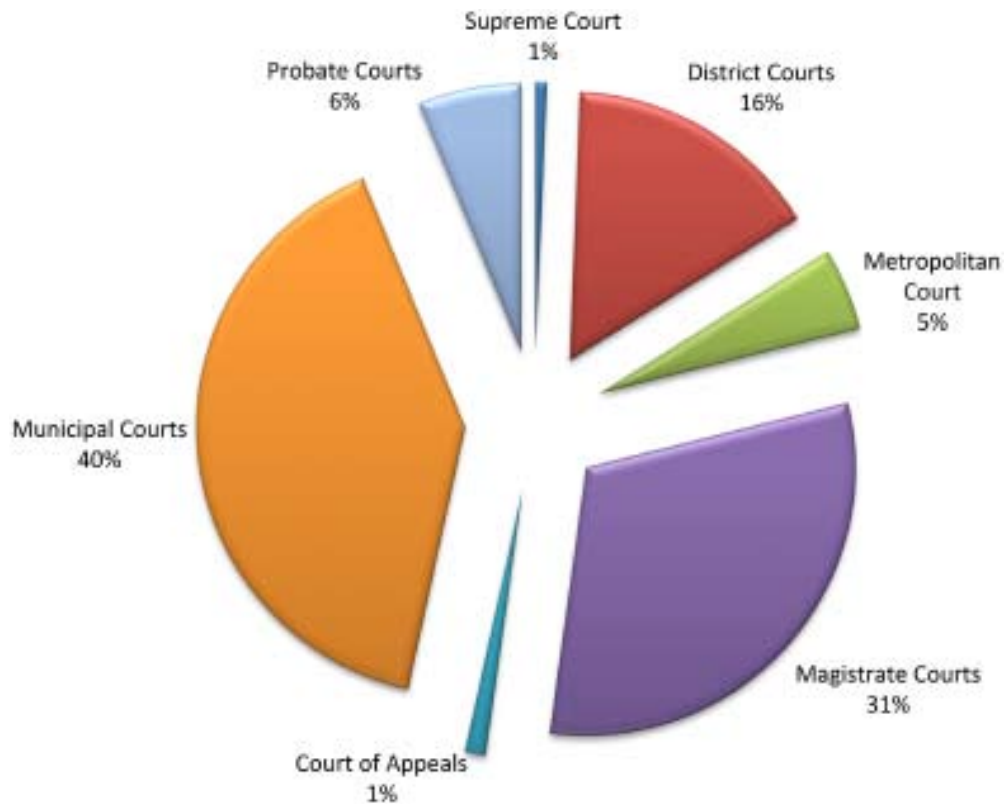


HISTORICAL CASES FILED IN SUPREME COURT

From 1968 through June 30, 2014, the Commission filed 161 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 111 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.

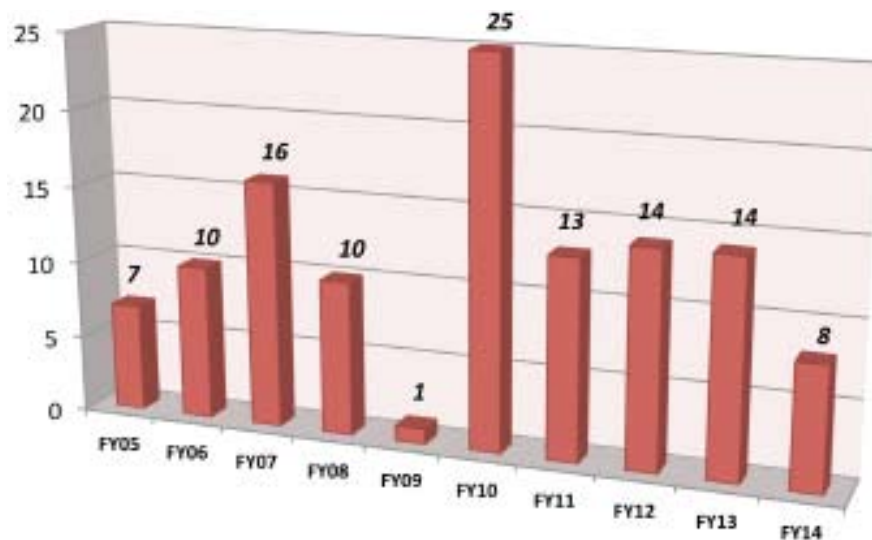
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2014, 8 cases concerning 5 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 174 cases concerning 81 judges after 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, §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 stipulation agreement concerning the conduct in question. Since its formation in 1968 through June 30, 2014, the Commission has informally disposed of 358 case files. The following tables illustrate the distribution of the informal cautionary letter and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (266 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.4%
Court of Appeals	2	0.8%
District Court	73	27.4%
Metropolitan Court	28	10.5%
Magistrate Court	97	36.5%
Municipal Court	62	23.3%
Probate Court	3	1.1%

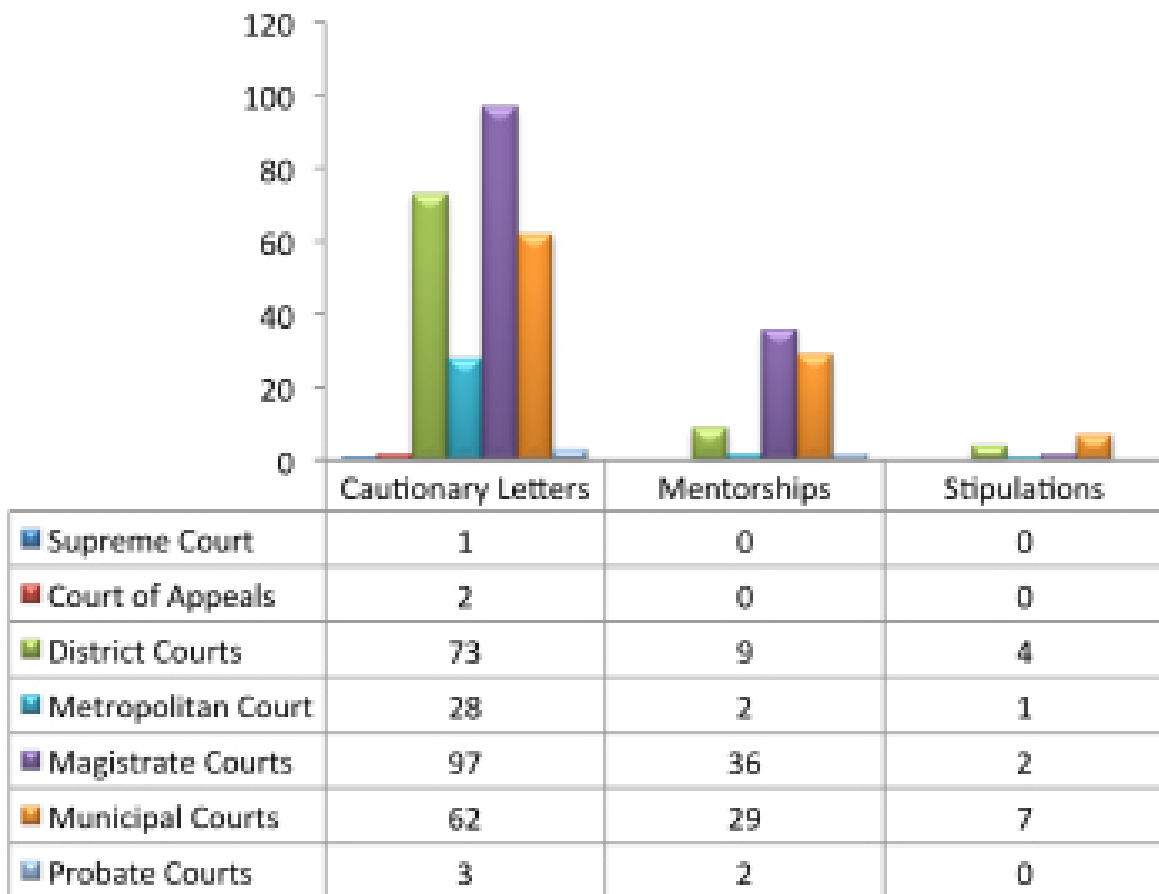
MENTORSHIPS (83 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL MENTORSHIPS
Supreme Court	0	0.0%
Court of Appeals	0	0.0%
District Court	10	12.1%
Metropolitan Court	2	2.4%
Magistrate Court	38	45.8%
Municipal Court	31	37.3%
Probate Court	2	2.4%

CONFIDENTIAL STIPULATIONS

In addition to private letters of caution and referrals to the mentor 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 2014, 1 case was disposed through confidential stipulation. Historically, the Commission has disposed of 9 cases through informal stipulation.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS





PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2013–JUNE 30, 2014

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 through private letters of caution to the judges or by referring the judges to the Commission’s informal mentor program.



See the referenced rules and provisions on the Judicial Standards Commission website, www.nmjsc.org, under the Governing Provisions of Law tab.

Since August 29, 2006, petitions and responses in temporary suspension matters filed with the Supreme Court 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 otherwise ordered by the Court.

In May 2011, the Supreme Court amended its rule governing this matter. The Court requires 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 “Any 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 our jurisdiction.

FORMAL PROCEEDINGS

In FY 2014, the Commission concluded 15 cases by formal proceedings before the Commission and/or the New Mexico Supreme Court. Below are summaries of all formal, non-confidential proceedings filed with and on public record with the Supreme Court with events occurring in and/or which were completed in FY 2014. Formal proceedings that remained confidential are not included below.

MATTER OF HON. JOHN L. SANCHEZ

Mora County Magistrate Court

JSC Inquiry Nos. 2009-070, 2009-098, 2010-024 & 2010-076

Supreme Court Docket No. 32,903

The Commission initiated matters pursuant to the Notices of Formal Proceedings and Answers filed in each inquiry number. In Inquiry Number 2009-070, the Notice of Formal Proceedings was filed on August 25, 2010 and Judge Sanchez (Respondent) filed his Answer on September 13, 2010. In consolidated Inquiry Numbers 2009-098 & 2010-024, the Notice of Formal Proceedings was filed on August 25, 2010 and the Respondent's Answer was filed on September 13, 2010. In Inquiry Number 2010-076, the Notice of Formal Proceedings was filed on September 3, 2010 and the Respondent's Answer was filed on September 22, 2010.

On March 14, 2011, the Commission and Judge Sanchez entered into an Amended Stipulation Agreement and Consent to Discipline. Judge Sanchez admitted the following:

1. Judge Sanchez failed to recuse himself prior to making rulings in a criminal case with his nephew, Daryl Sanchez, in *State v. Daryl Sanchez*, MR-37-2009-0110. Judge Sanchez arraigned his nephew in the case. Judge Sanchez set conditions of release of an unsecured appearance bond. Respondent altered the standard conditions of release and ordered that this nephew be allowed to leave the county of Mora during the pendency of his case.

2. Judge Sanchez ordered and signed an order appointing the Public Defender to represent his nephew in *State v. Daryl Sanchez*, MR-37-2009-0110, even though his nephew was not indigent and did not qualify for Public Defender representation based on income.

3. Judge Sanchez's admitted conduct set forth violated the Canons of the Code of Judicial Conduct. Judge Sanchez agreed that his admitted conduct as set forth constituted willful misconduct in office and provided sufficient basis for the New Mexico Supreme Court to impose discipline against Judge Sanchez pursuant to Article VI, §32 of the New Mexico Constitution.

4. Judge Sanchez agreed to accept the following formal discipline from the Supreme Court:

A. Twelve-Month Supervised Probation and Formal Mentorship. The Commission shall recommend the probation supervisor/mentor, for consideration and appointment by the Supreme Court. The probation supervisor/mentor shall report on the progress and outcome of the mentorship to the Supreme Court and the Commission.

B. Complete a Course from the National Judicial College. Respondent shall attend all sections and complete a course from the National Judicial College recommended by the Commission and approved by the Supreme Court. Respondent shall not teach any portion of the approved course from the National Judicial College. Respondent shall pay all costs, including travel and tuition associated with attendance and completion of the course.

C. Formal Reprimand. Respondent shall accept a formal reprimand from the Supreme Court concerning the conduct admitted in this Stipulation Agreement and Consent to Discipline.

The Commission requested that the Formal Reprimand not be published in the *Bar Bulletin* because at the time Magistrate Judges did not receive the *Bar Bulletin* and there would be little educational value to other Magistrate Judges in publishing the formal reprimand.

In exchange for Judge Sanchez's admissions of violations of the Code of Judicial Misconduct and Willful Misconduct, the Commission agreed to abate all proceedings in the other pending Inquiries before the Commission (Inquiry Numbers 2009-070 and 2010-076) pending successful completion of the terms of the Stipulation Agreement. If Judge Sanchez successfully completed all of the terms of the stipulation and the anticipated disciplinary order from the Supreme Court, the Commission would close Inquiry Numbers 2009-070, 2009-098, 2010-024 and 2010-076. If Judge Sanchez failed to comply with these detailed conditions, then his actions would constitute a material breach of the Stipulation Agreement.

If Judge Sanchez violated any terms or provisions of this executed Stipulation Agreement and Consent to Discipline, Respondent agreed that all facts and charges admitted in the Stipulation Agreement and Consent to Discipline shall be deemed admitted by him and would be used against him in future proceedings before the Commission and the Supreme Court.

On March 15, 2010, the Commission filed in the New Mexico Supreme Court a Petition for Discipline upon Stipulation requesting the Court to accept the terms of the parties' agreement for discipline in this matter.

On April 6, 2011, the Court held a hearing in this matter. Both the Commission and Judge Sanchez presented oral argument in the matter. The Court directed Judge Sanchez to abide by the terms of the Stipulation Agreement, and to recuse himself from matters which the Code requires. The same day, the Court issued an order which ordered Judge Sanchez to complete a 12-month supervised probation and formal mentorship. The Court ordered the Commission to recommend the probation supervisor/mentor to be appointed by the Court. The probation supervisor/mentor would report the progress and outcome of the mentorship to the Court and the Commission. The Court ordered Judge Sanchez to complete a course approved by the Commission from the National Judicial College. The Court reprimanded Judge Sanchez in open court for his misconduct in this matter, but did not publish the reprimand in the *Bar Bulletin*. The Court also unsealed the Supreme Court's file in this matter.

On June 21, 2011, the Supreme Court approved the Commission's recommendation to appoint Hon. Karen P. Mitchell to serve as mentor and probation supervisor for Judge Sanchez, and further ordered her to report Judge Sanchez's progress to both the Commission and the Court.

On December 1, 2011, the Commission filed its Interim Report on Respondent's Compliance with the Terms of the Supreme Court's Order. The Commission filed a copy of the certification of Judge Sanchez's completion of the National Judicial College course. Judge Mitchell continued to supervise Judge Sanchez on probation through June 22, 2012. After completion of probation, this matter was abated by the Supreme Court pending completion of proceedings in Inquiry No. 2012-080 (reported later in this annual report).

On September 18, 2013, the Supreme Court held a hearing on a Petition for Discipline filed in JSC Inquiry No. 2012-080. After hearing argument, the Court denied the Commission's petition for discipline in that matter and lifted the abatement of proceedings in these inquires (JSC Inquiry Nos. 2009-070, 2009-098, 2010-024, and 2010-076). The Commission subsequently closed these matters.

MATTER OF HON. MICHAEL G. RAEI
Questa Municipal Court
JSC Inquiry No. 2011-040
Supreme Court Docket No. 33,633

On December 9, 2011, the Commission issued a Notice of Preliminary Investigation to Judge Michael Rael. Judge Rael filed his answer on December 22, 2011. On March 9, 2012, the Commission issued a Notice of Formal Proceedings to Judge Rael, to which he responded on April 13, 2012. An amended Notice of Formal Proceedings was filed by the Commission on April 25, 2012 and Judge Rael filed his response to the amended Notice of Formal Proceedings on April 27, 2012.

On May 23, 2012, Judge Rael and the Commission entered into a Stipulation Agreement and Consent to Discipline. The same day, the Commission filed a Petition to Accept Stipulation Agreement and Consent to Discipline with the Supreme Court. The petition provided in part:

On March 02, 2011 a criminal complaint was filed in Respondent's court in the matter of *Village of Questa v. Thomas Chavez*, No. 11-0206. In the complaint, Mr. Cisneros alleged that Mr. Chavez vandalized his vehicle causing \$2700.00 worth of damages. On March 31, 2011, Respondent issued a restraining order without jurisdiction to do so, which was based on *ex parte* communications and the judge's personal knowledge of facts outside the scope of the complaint or any court proceeding.

Respondent claimed that in an effort to prevent further conflict between the two parties, he issued a "Temporary Restraining Order" (TRO). Respondent admitted that he was without jurisdiction to issue the TRO.

Respondent agreed that his issuance of the TRO was a knowing and intentional act and, at the time it was issued, he knew that he did not have jurisdiction to issue it. Respondent issued the TRO based on his personal knowledge of an incident that happened between the parties that was outside the scope of the complaint or any court proceeding. Respondent agreed the conduct amounts to willful misconduct as defined by law.

Respondent's admitted conduct set forth in paragraph 1(A) above violates Canons 21-100 NMRA (1995); 21-200(A) and (B) NMRA (1995); and 21-300(A), (B)(2), (B)(7), and (B)(8) NMRA (2009); and 21-400(A)(1) NMRA 2004 of the Code of Judicial Conduct and constitutes willful misconduct in office.

On or about March 30, 2011, Respondent met *ex parte* or had an *ex parte* proceeding with the defendant, Thomas Chavez, regarding cause number 11-0206, *Village of Questa v. Thomas Chavez*.

Respondent believed, as stated in his answer to the Notice of Preliminary Investigation filed on December 22, 2011, he was trying to protect both parties, and further believed that neither side would gain any procedural or tactical advantage as a result of the meeting. However, Respondent admitted that the hearing amounted to an *ex parte* proceeding in violation of the Code of Judicial Conduct.

Respondent agreed that conducting the hearing was a knowing and intentional act. Respondent agreed the conduct amounted to willful misconduct as defined by law.

Respondent's admitted conduct set forth in paragraph 2 (A) above violated Canons 21-100 NMRA (1995); 21-200(A) and (B) NMRA (1995); 21-300 (A), (B)(2), (B)(7), and (B)(8) NMRA (2009) of the Code of Judicial Conduct and constituted willful misconduct in office.

On March 25, 2011, Respondent issued an Order to Show Cause in *Village of Questa v. Thomas Chavez*, No. 11-0206, ordering him to appear for hearing on March 30, 2011 on a restraining order. A hearing was held on March 30, 2011 and neither Mr. Cisneros nor the Village was present.

Respondent's admitted conduct set forth in paragraph 3(A) above violated Canons 21-100 NMRA (1995); 21-200(A) and (B) NMRA (1995); and 21-300(A), (B)(2), (B)(7), and (B)(8) NMRA (2009) of the Code of Judicial Conduct and constituted willful misconduct in office.

Respondent admitted, in his response to the Notice of Preliminary Investigation filed on December 22, 2011 with the Judicial Standards Commission, that Respondent did not have jurisdiction to issue a temporary restraining order and that he "felt I had to bend the law to keep peace with this [sic] families. This is a very small town and sometimes I must go out of the box to keep peace."

Respondent's admitted conduct set forth in paragraph 4(A) above violated Canons 21-100 NMRA (1995), 21-200(A) and (B) NMRA (1995); and 21-300(A) and (B)(2), of the Code of Judicial Conduct and constituted willful misconduct in office.

On or about March 31, 2011, and in response to *ex parte* contacts on 03/30/11 and 03/31/11, in cause number 11-0206, *Village of Questa v. Thomas Chavez*, Respondent backdated a document entitled "temporary restraining order" to March 2, 2011, but the order was not actually filed until March 31, 2011.

Respondent's admitted conduct set forth in paragraph 5(A) above violated Canons 21-100 NMRA (1995); 21-200(A) and (B) NMRA (1995); and 21-300(A), (B)(2), and (B)(7), NMRA (2009) of the Code of Judicial Conduct and constituted willful misconduct in office.

On or about March 31, 2011, in cause number 11-0206, *Village of Questa v. Thomas Chavez*, Respondent had *ex parte* communication with Julian Cisneros regarding Mr. Cisneros's position on a temporary restraining order, without giving notice or opportunity to be heard to Thomas Chavez, a party in cause number 11-0206.

Respondent's admitted conduct set forth in paragraph 6(A) above violated Canons 21-100 NMRA (1995); 21-200(A) and (B) NMRA 1995; and 21-300(A), (B)(2) and (B)(7) NMRA (2009) of the Code of Judicial Conduct and constituted willful misconduct in office.

The Commission and Respondent entered into a Stipulation Agreement and Consent to Discipline with the following conditions:

Respondent agreed to accept and the Commission would recommend that the Supreme Court impose the following formal discipline upon him:

A. Twelve-Month Supervised Probation and Formal Mentorship. Respondent agreed to complete a twelve-month supervised probation and formal mentorship. The Commission would recommend the probation supervisor/mentor for consideration and appointment by the Supreme Court. The probation supervisor/mentor would report on the progress and outcome of the mentorship to the Supreme Court and the Commission.

B. Public Censure. Respondent agreed to accept a public censure from the Supreme Court concerning the conduct admitted in this Stipulation Agreement and Consent to Discipline. Public Censures are published in the *Bar Bulletin*.

C. Training. Respondent agreed to attend all sections and complete the National Judicial College's web seminar entitled Special Considerations for the Rural Court Judge beginning October 1, 2012 and agreed to attend all sections and complete the National Judicial College's course entitled Ethics, Fairness and Security in Your Courtroom and Community being held October 22-25, 2012 in Reno, Nevada. Respondent would pay all costs, including travel and tuition, associated with attending and completing these courses at the National Judicial College. Respondent would provide proof to the Commission that he attended and completed these courses.

The Supreme Court issued an order on June 15, 2012 accepting the Petition to Accept Stipulation Agreement and Consent to Discipline. On July 23, 2012, the Supreme Court adopted the Commission's recommendation and appointed Hon. Ann Yalman, Santa Fe Municipal Court Judge, to serve as Judge Rael's mentor and probation supervisor. The Supreme Court issued the Formal Reprimand to Judge Rael on October 3, 2012. Judge Rael timely completed the required courses at the National Judicial College, but remained on supervised mentorship and probation at the end of FY 2014.

This matter was ongoing at the end of FY 2014. Subsequent reportable events will be provided in the Commission's Annual Report for FY 2015.

HON. JAMES NARANJO
Socorro County Magistrate Court
JSC Inquiry No. 2012-100
Supreme Court Docket No. 34,097

On December 5, 2012, the Commission issued a Notice of Preliminary Investigation, to which Judge Naranjo responded on December 18, 2012.

The Commission issued a Notice of Formal Proceedings in this matter on February 14, 2013. The Notice of Formal Proceedings alleged that Judge Naranjo initiated *ex parte* communications with a District Court Judge who was presiding over a case in which the defendant was related to Judge Naranjo. Judge Naranjo requested that the District Court Judge reduce his relative's bond or let him out of jail and, further, vouched for his relative by telling the District Court Judge that his relative was not a flight risk and that he [Judge Naranjo] would personally ensure his appearance at future hearings.

On March 4, 2013, Judge Naranjo responded to the Notice of Formal Proceedings and admitted to the conduct alleged. In addition, he admitted that his conduct violated Rules 21-101, 21-102, 21-103, 21-204(B) and (C), 21-206(A), 21-209(A), 21-210(A), and 21-303 of the Code of Judicial Conduct.

On April 1, 2013, the Commission held a Presentment Hearing and subsequently entered into a Stipulation Agreement and Consent to Discipline with Judge Naranjo. In the Stipulation Agreement, Judge Naranjo reiterated his agreement that he engaged in willful misconduct by committing the acts alleged and that he violated the Code of Judicial Conduct rules as noted above. Judge Naranjo agreed that his conduct provided sufficient basis for the New Mexico Supreme Court to impose discipline pursuant to Article VI, Section 32 of the New Mexico Constitution.

The Commission recommended that the Supreme Court impose the following formal discipline:

1. Enrollment in, and successful completion of, the National Judicial College (NJC) on-line course Ethics and Judging: Reaching Higher Ground, scheduled for June 3-July 19, 2013. This will be at Respondent's own expense. Respondent must promptly provide proof of completion to the Supreme Court and Commission.

2. Public censure, which shall be published in the *Bar Bulletin*.

3. Formal mentorship with supervised probation. The mentorship/supervised probation shall begin upon the Supreme Court's appointment of the mentor/probation supervisor and shall be in effect for the remainder of Respondent's term. If Respondent's conduct causes a Notice of Formal Proceedings to be issued in any matter while Respondent is on probation, Respondent agrees to immediate, permanent resignation from judicial office.

4. 90-day suspension without pay; however, imposition of 60 days of the suspension without pay will be deferred on the condition that Respondent successfully complete probation. The 30 days of the suspension without pay that are not deferred shall begin on the first business day following the Supreme Court order accepting the Stipulation. If Respondent violates any terms or provisions of the Stipulation, the 60-day suspension without pay will be automatically imposed.

On April 9, 2013, the Commission filed a Petition to Accept Stipulation Agreement and Consent to Discipline with the New Mexico Supreme Court. On April 19, 2013, the Supreme Court entered its Order granting the Commission's Petition to Accept Stipulation Agreement and Consent to Discipline and imposing the discipline recommended by the Commission and stipulated to by Judge Naranjo. *See, Matter of Naranjo, 2013-NMSC-026, 303 P.3d 849.*

On April 22, 2013, Judge Naranjo began his 30 days of unpaid suspension that were not deferred.

On May 28, 2013, the Supreme Court appointed a mentor and probation supervisor for Judge Naranjo. On June 13, 2013, the Supreme Court filed its Opinion and Public Censure In the Matter of Hon. James Naranjo.

Pursuant to the Supreme Court's April 19, 2013 Order, Judge Naranjo has continued in a formal mentorship with supervised probation, which will be in effect for the remainder of his term of judicial office. Also, as required by the Stipulation Agreement and Consent to Discipline, in July 2013, Judge Naranjo successfully completed the National Judicial College online course *Ethics and Judging: Reaching Higher Ground*.

This matter was still pending at the close of FY 2014. Subsequent events will be provided in the Commission's FY 2015 Annual Report.

MATTER OF HON. ROLAND MADRID
Santa Clara Municipal Court
JSC Inquiry No. 2013-063
Supreme Court Docket No. 34,189

On June 10, 2013, the Commission filed a Verified Petition for Immediate Temporary Suspension along with a Stipulated Motion and Consent to Immediate Temporary Suspension concerning Judge Roland Madrid with the Supreme Court. In the petition, the Commission notified the Court that the Commission initiated a preliminary investigation into allegations that Judge Madrid on or about June 2, 2013 was arrested and charged with Battery on a Household Member. The criminal matter is styled, *State of New Mexico v. Roland Madrid*, No. M-20-VM-2013-00015.

The Supreme Court ordered that the stipulation of the parties to the temporary suspension of Hon. Roland Madrid approved and temporarily suspended Judge Madrid effective as of August 13, 2013.

The charge of Battery on a Household Member was subsequently dismissed by the prosecution on September 12, 2013, and the Commission filed a Notice of Withdrawal and Request to Lift Temporary

Suspension on October 8, 2013. The Supreme Court granted the Commission's request and ordered the temporary suspension lifted as of November 19, 2013. The matter was subsequently closed.

MATTER OF HON. JAVIER LOZANO
Columbus Municipal Court
JSC Inquiry No. 2014-001
Supreme Court Docket No. 29,264

On January 9, 2014, the Commission issued a Notice of Preliminary Investigation (NPI) to Judge Lozano and also filed, under seal, a Verified Petition for Immediate Temporary Suspension Without Pay with the New Mexico Supreme Court. The allegations in the NPI and the Petition were that between December 6, 2012 and October 22, 2013, Judge Lozano:

1. Improperly touched, sexually harassed, and/or committed a battery upon the Mayor of the Village of Columbus;
2. Told the Mayor that he would guarantee her 100 votes in her re-election if the Mayor agreed not to pursue her complaint against him for the incident of improper touching;
3. Shoplifted various items from the Family Dollar Store;
4. Was charged with Larceny after stealing a bell from a residence and, although, he denied stealing the bell, the Judge offered to replace or retrieve the bell in exchange for the Sheriff's Department's promise not to prosecute the individual who had the bell;
5. Possessed and/or retrieved stolen property—a bell—and turned it over to the Sheriff's Department, who verified that it was the bell the Judge was accused of stealing;
6. Was charged with Aggravated Assault with a Deadly Weapon after he publicly confronted, intimidated, challenged and/or threatened an individual with a gun fight after the individual complained that the Judge had failed to comply with the process of obtaining a number and waiting outside in line for food supplies;
7. In an interview with a Sheriff's Department officer concerning the events in the line for food supplies, claimed that he was not going into the building for food supplies, but was going to talk to the food bank program manager about a traffic citation, which is an impermissible *ex parte* communication.

On January 21, 2014, the Commission and Judge Lozano entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings. In the Stipulation, Judge Lozano denied the allegations and denied that he committed willful misconduct or that he violated any of the rules of the Code of Judicial Conduct.

The Stipulation provided in part:

Respondent agrees to permanently resign as judge of the Columbus Municipal Court, effective at 5:00 p.m. on the same day that the Supreme Court enters an order approving this Stipulation and ordering Respondent's resignation. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall effect his permanent resignation by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and the Village of Columbus City Council, with a copy to the Judicial Standards Commission. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand

for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

On January 21, 2014, the Commission filed, under seal, a Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings with the Supreme Court.

On February 7, 2014, the Supreme Court issued its Order approving the Stipulation, granting the Commission's Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Proceedings, and unsealing the pleadings. Judge Lozano permanently resigned that same day.

MATTER OF HON. JAIME J. BACA
Valencia County Probate Court
JSC Inquiry No. 2013-157
Supreme Court Docket No. 34,477

On December 26, 2013, the Commission issued a Notice of Preliminary Investigation to Judge Baca and also filed a Verified Petition for Immediate Temporary Suspension with the Supreme Court, following allegations that Judge Baca had been arrested and charged with Battery Against a Household Member, Criminal Damage to Property (2 counts), and Interference with Communications.

On January 8, 2014, the Supreme Court issued its Order requesting Judge Baca's response to the Petition. On January 27, 2014, Judge Baca filed his Response to Verified Petition for Immediate Temporary Suspension with the Supreme Court and on February 19, 2014, Judge Baca filed his response to the Notice of Preliminary Investigation with the Commission.

On February 25, 2014, the Supreme Court issued its Order granting the Commission's Petition, suspending Judge Baca effective that same day, and unsealing the Petition and Judge Baca's Response. On March 4, 2014, Staff and Respondent filed a Joint Motion to Permanently Seal Exhibit B to Verified Petition for Immediate Temporary Suspension and to Accept Redacted Copy of Exhibit B. On March 19, 2014, the Supreme Court issued an Order granting the Joint Motion.

This matter was still pending at the close of FY 2014. Subsequent events will be provided in the Commission's FY 2015 Annual Report.

MATTER OF HON. ROLAND MADRID
Santa Clara Municipal Court
JSC Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108
Supreme Court Docket No. 34,189

On February 4, 2014, the Commission filed under seal a Verified Petition for Immediate Temporary Suspension with the New Mexico Supreme Court. The Petition specifically alleged that Judge Madrid:

1. On November 18, 2012 Judge Madrid received a warning from USDA Forest Service Officer Canuto Molina for illegally cutting green trees in the Gila National Forest in the Silver City Ranger District

on the Shrine Mine Road. One hour after receiving the warning, Judge Madrid was again found to be illegally cutting green trees and received a citation from Officer Molina. Judge Madrid tried to use his position to gain personal advantage or deferential treatment when he told Officer Molina that he was the judge in Santa Clara.

2. On November 7, 2012 Judge Madrid was involved in an altercation at the Turnerville Cemetery and failed to cooperate with the investigating officer by refusing to give a statement to Sheriff's Deputy Michael Leftault regarding the incident. Judge Madrid told Deputy Leftault that he was a judge, the incident was a family matter, and that Judge Madrid took care of it.

3. Judge Madrid did not hold court sessions during the months of September and October of 2011 and from December 2011 through February 2012.

4. Judge Madrid improperly closed the Santa Clara Municipal Court from December 18, 2013 until January 22, 2014 without notice so that an alternate judge could be appointed in his absence and stated to court staff that he was going on vacation and would be hunting.

5. Judge Madrid stated to court staff that he was only required to hold court for eight hours per month regardless of the amount of cases filed in his court, and that taking phone calls from defendants would count towards his eight hours.

6. Judge Madrid failed to obtain Continuing Judicial Education credits for the years 2008, 2010, 2011, 2012 and 2013.

7. Judge Madrid signed in at the Municipal Judges Annual Conference held on May 1-3, 2013 but failed to attend all sessions of the conference.

8. In 2007, 2008, 2009, 2010, 2011, 2012 (except for July 2012), and the months of February, March, and May of 2013 Judge Madrid failed to file monthly reports and remittances to the governing body of the Village of Santa Clara as required by § 35-14-7 NMSA 1978. The failure to submit reports is a misdemeanor offense punishable by a fine not more than two hundred dollars (\$200) or imprisoned not more than ninety days, or both. See § 35-14-9 NMSA 1978.

9. Judge Madrid failed to file Municipal Court Monthly Reports and failed to submit remittances to the Administrative Office of the Courts as required by § 35-14-11(G) NMSA 1978 for the months of April and July of 2009 and January through June of 2013.

10. Judge Madrid failed to timely file the Municipal Court Monthly Reports and failed to submit remittances to the Administrative Office of the Courts as required by § 35-14-11(G), for twenty-one months.

11. From January 2, 2013 through June 30, 2013 Judge Madrid failed to file Municipal Court Judicial Education Fee Monthly Reports and failed to submit remittances to the New Mexico Judicial Education Center as required by § 35-13-11(F) NMSA 1978.

12. Judge Madrid failed to deposit funds received from fees and fines collected by the municipal court in a timely manner. An audit for fiscal year 2012 indicated that a deposit was made on June 21, 2012 of receipts collected during the period of October 6, 2011 through June 13, 2012

13. Judge Madrid failed to deposit bond monies into the court's bond account and failed to properly process bond paperwork.

14. Judge Madrid used the municipal court's laptop computer and cell phone for his personal business.

15. Bench warrants were issued on January 5, 2011 Village of Santa Clara vs. Lisa Garcia, Docket Number 201001286, on January 5, 2011 in Village of Santa Clara vs. Chad Gordon, Docket Number 201001506, and on July 13, 2010 in Village of Santa Clara vs. Jennifer Johnson, Docket Number 201000864, which Judge Madrid allowed to be signed by someone other than him or a duly appointed alternate.

16. Judge Madrid acted as interpreter at a court proceeding; failed to allow the prosecuting officer to be heard at an arraignment; conducted telephonic hearings without officers present; adjudicated citations without notice or opportunity to be heard by the prosecuting officer; told a defendant that he would speak to an officer to have a citation dismissed; and failed to hold any trials even though the Santa Clara Police Department issued nine hundred and forty (940) citations.

17. Between August 31, 2012 and March 29, 2013 Judge Madrid failed to perform judicial and administrative duties competently and diligently by failing to:

- Submit abstracts to the New Mexico Motor Vehicle Department as required by Section 66-8-135(B) NMSA 1978.
- Include dates of adjudication on abstracts
- Include docket numbers on abstracts
- Issue summonses to police officers
- Process citations
- Process citations correctly
- Process cases
- Ensure a filing system was in place in order that case files could be located and/or easily located (seventeen (17) files were unable to be located for this period of time)

On February 25, 2014, the Commission and Judge Madrid entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings.

The Stipulation provided in part:

Respondent agrees to voluntarily permanently resign as judge of the Santa Clara Municipal Court, effective at 5:00 p.m. on the same day that the Supreme Court enters an order approving this Stipulation and ordering Respondent's resignation. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall effect his permanent resignation by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and the Village of Santa Clara City Council, with a copy to the Judicial Standards Commission, by 5:00 p.m. on the same day the Supreme Court enters the order approving the Stipulation and ordering Respondent's resignation.

Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court.

Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

On February 25, 2014, the Commission filed a Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings with the Supreme Court.

On February 28, 2014, the Supreme Court issued its Order granting the Commission's Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings. Judge Madrid timely resigned from office and the matter was closed.

INFORMAL PROCEEDINGS

PRIVATE 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 was concerned that if true, the conduct may violate the Code, requiring the matters to be addressed. In FY 2014, the Commission issued private cautionary letters in 21 cases involving 17 judges, which addressed the issues listed below:

1. A judge running for higher office allegedly had misleading campaign materials and advertisements. In addition, the judge allegedly made misleading representations about an opponent's qualifications as well as about the judge's own qualifications. The judge was cautioned to comply with all applicable election and election campaign laws and regulations and to ensure that campaign workers are also knowledgeable of the laws and regulations and to comply with them. The judge was further cautioned to be scrupulously fair and accurate in all campaign materials and advertisements, and to refrain from making representations that are misleading or create implications that present a false impression.

2. A judge allegedly made public comments about a law enforcement agency's policy of allowing defendants to donate to the law enforcement agency's charity in lieu of issuing citations. The Commission cautioned the judge to avoid the appearance of impropriety by refraining from making public statements that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.

3. A judge allegedly allowed defendants to make and/or shout disparaging remarks to a plaintiff. The Commission cautioned the judge to perform judicial duties without bias or prejudice and to require lawyers who appear before the judge to refrain from manifesting bias or prejudice. The Commission further cautioned the judge not to allow litigants to use gratuitous negative stereotyping in the courtroom without admonition and to maintain order and decorum in all proceedings before the court.

4. A judge allegedly abused the prestige of judicial office to advance personal interests by using judicial letterhead when writing to a government agency on behalf of a family member. The Commission cautioned the judge to avoid abusing the prestige of judicial office by using judicial letterhead to conduct personal business.

5. A judge was alleged to have displayed improper judicial demeanor and failed to be dignified in conducting proceedings by making inappropriate comments and by the use of inappropriate humor. The judge was cautioned to develop, maintain, and present dignified judicial demeanor and to refrain from using undignified language with all persons, parties, and litigants with whom the judge interacts in an official capacity.

6. A judge who was presiding over a civil case is alleged to have made improper nonpublic statements during *ex parte* communications with another judge, who was presiding over a criminal case in which the

defendant was also a party in the civil case. The judge was cautioned to refrain from initiating, permitting, or considering *ex parte* communications made outside the presence of the parties or their lawyers and to refrain from providing *ex parte* information to another judge that bears upon the substance of a matter pending before that judge. The judge was further cautioned to refrain from making any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court or from making any non-public statement that might substantially interfere with a fair trial or hearing. The judge was also instructed that a judge may consult with or be consulted by other judges, but must refrain from discussing factual information that is not a part of the record and/or could undermine a party's right to be heard.

7. A judge allegedly addressed a victim in a rude and demeaning manner, failed to afford the victim an opportunity to be heard, and allegedly threatened to report the victim's perceived perjury to fellow judges. The Commission cautioned the judge to be patient, dignified and courteous to all who appear before the judge and cautioned the judge to file a public order if the judge finds a witness to have committed perjury.

8. Prior to a hearing on a matter, a judge allegedly accepted a letter that set forth substantive facts bearing on the motion, from a higher court judge who had appellate jurisdiction over the matter. The judge treated the letter as evidence and considered the information provided in ruling on the motion. The judge was cautioned to refrain from initiating, permitting, or considering *ex parte* communications made outside the presence of the parties or their lawyers and also to refrain from investigating facts in a matter independently and from seeking *ex parte* information that bears upon the substance of a pending matter. Further, the judge was instructed that a judge may consult with or be consulted by other judges, but must refrain from discussing factual information that is not a part of the record and/or could undermine a party's right to be heard.

9. A judge is alleged to have provided information to another judge that concerned a disputed issue in a pending matter over which the other judge was presiding. The judge was cautioned to refrain from providing *ex parte* information to another judge that bears upon the substance of a disputed matter pending before that judge. The judge was further cautioned to refrain from permitting *ex parte* communications that are initiated by another judge, and instructed to make reasonable efforts to ensure the *ex parte* communications rule is not violated by court staff, court officials, and others subject to the judge's direction and control. Additionally, the judge was cautioned to refrain from having *ex parte* discussions on pending cases over which the judge has appellate jurisdiction.

10. A judge arraigned an individual in four cases and then recused from all four cases. Just three days later, the judge allegedly presided over two additional cases involving the same individual and failed to recuse; instead, the judge presided over the cases and dismissed both without prejudice. Further, when queried about the conduct, the judge blamed it on the court staff for failing to alert the judge to the subsequent two cases. The judge was cautioned to avoid the appearance of impropriety and to recuse in any proceeding in which the judge's impartiality might reasonably be questioned. The judge was also cautioned to be attentive to matters and parties before the court and to recuse if there is a personal bias or prejudice concerning a party. The judge was further cautioned to refrain from imputing the judge's errors to the staff and to be mindful of that fact that the judge is responsible for the judge's personal conduct and for the staff's conduct when they are acting at the judge's direction.

11. A judge allegedly abused the prestige of judicial office and created an appearance of impropriety by using the court's email system to communicate with an assistant district attorney regarding a personal matter. The Commission cautioned the judge to be mindful of the impropriety and/or appearance of impropriety that may be created when the judge uses the court's email account to conduct personal business and to avoid the appearance of abuse of the prestige of judicial office by trying to gain favorable

treatment when communicating with the district attorney's office about cases in which family members are personally involved.

12. A judge allegedly failed to be candid or forthcoming during an investigation involving the judge's family member. The Commission cautioned the judge to be candid, honest, and forthcoming in all communications with law enforcement to avoid impropriety or the appearance of impropriety and to act at all times in a manner that promotes public confidence in the judiciary.

13. A judge allegedly extended jurisdiction over petitioners by requiring them to attend status hearings after the court was divested of jurisdiction through issuance of final orders in the cases. The Commission cautioned the judge to refrain from scheduling such hearings after being divested of jurisdiction.

14. A judge, whose son had a pending traffic case in another court, allegedly initiated or permitted *ex parte* communications with the judge who was presiding over the case. The communication caused the presiding judge to dismiss the case without prejudice so that it could be re-filed in another court. The judge, who was no longer on the bench when the investigation concluded, was cautioned to refrain from initiating *ex parte* communications, or permitting court staff to do so; to refrain from conduct that creates the appearance of impropriety and that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary; to refrain from allowing family or other relationships to influence judicial conduct or judgment; and, to refrain from using or attempting to use the judicial office to gain deferential treatment of any kind.

15. A judge allegedly used misleading campaign materials indicating the judge had been previously elected to the bench when the judge had actually been appointed, and that the judge misstated the judge's judicial experience. The Commission cautioned the judge to ensure the accuracy of campaign materials, comply with all applicable election and campaign laws and regulations, and provide guidance to campaign workers to ensure that they follow all applicable election laws and regulations.

16. A judge allegedly allowed personal business to take precedence over judicial duties. The Commission cautioned the judge to ensure that judicial duties take precedence over campaign activities or extrajudicial activities and when the judge becomes aware of situations that require immediate attention, the judge should take necessary measures to ensure that judicial obligations are satisfied before pursuing extrajudicial ones. The judge was also cautioned to ensure that judges under the judge's supervision promptly discharge their judicial responsibilities.

17. A judge allegedly attempted to use the judge's position to gain deferential treatment when stopped for speeding. The judge apologized to the officer and asked to be issued a ticket. The Commission cautioned the judge to avoid abusing the prestige of judicial office by using or attempting to use the judge's position to gain personal advantage or deferential treatment of any kind.

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 mentor 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 programs is accomplished through stipulation. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. In FY 2014, 5 inquiries involving 3 judges were disposed informally through remedial measures, which are discussed below.

1. A judge allegedly failed to dispose of judicial matters promptly and efficiently by not rendering decisions in a timely manner. The judge recused from a case without issuing a decision two years after the trial was completed and the matter was under advisement, and excessively delayed ruling on a motion to dismiss for eighteen months. The judge completed a mentorship on proper caseload management to ensure that issues are resolved timely.

2. A judge allegedly followed improper disqualification procedures in cases involving relatives. The judge recused from the cases, then dismissed them and asked police officers to refile them in another court. The judge self-reported to the Commission when informed by another judge that the conduct was improper. The Commission and the judge entered into a Consent Decree in which the judge agreed to a 1-year mentorship. The purpose of the mentorship was to assist the judge in gaining an understanding of general legal procedures and the requirements of the Code of Judicial Conduct, and to provide guidance on efficiently and effectively handling and adjudicating the caseload assigned to the judge.

3. It was alleged that a judge had a pattern of legal errors affecting due process in two cases. The errors involved conducting a sentencing hearing that was not on the docket, improper sentencing of a repeat offender, failure to impose a mandatory minimum sentence, failure to follow procedural requirements, and accepting an improper plea. The judge entered into a Stipulation Agreement and Consent Decree with the Commission. The judge agreed to a 6-month mentorship and the Commission agreed to suspend proceedings against the judge pending successful completion of the mentorship. The purpose of the mentorship was to provide counseling and assistance with the requirements of the Code of Judicial Conduct as related to the allegations and to provide guidance on effectively handling and adjudicating cases.

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 2014, the Commission entered into **3** confidential stipulations.

1. An alternate judge allegedly failed repeatedly to appear for hearings. The judge entered into a stipulation with the Commission during the Commission's investigation of allegations against the judge and before formal charges were issued. The judge agreed to immediately resign and also agreed that the judge would not run for or hold judicial office in the future. If the judge violates any terms or provisions of the stipulation, all facts alleged will be deemed admitted and used against the judge in future proceedings by the Commission.

2. A judge entered into a stipulation with the Commission during the Commission's investigation of allegations against the judge and before formal charges were issued. The judge allegedly failed to perform assigned duties, engaged in *ex parte* communications with a witness, abused the prestige of judicial office, exceeded the judge's authority in a judgment, and failed to cooperate with other judges and staff in the orderly administration of the court's business. The judge agreed to immediately retire and agreed that the retirement would be permanent, i.e., that the judge would never again hold or exercise any judicial authority in New Mexico. If the judge violates any terms or provisions of the stipulation, the stipulation will no longer remain confidential, all facts alleged will be deemed admitted, and the Commission may proceed directly to the penalty phase of formal proceedings.

3. A judge is alleged to have become involved in an impending case by allegedly ordering detention center personnel to immediately release an individual prior to the minimum required time and, also, to release

the individual on his own recognizance rather than in accordance with the bond schedule. The judge entered into a stipulation with the Commission and agreed to permanent retirement.

CURRENT OR FORMER JUDGES WITH ONGOING DUTIES TO COMPLY WITH SUPREME COURT-ORDERED PROBATION, MONITORING, OR OTHER CONDITIONS

MATTER OF HON. JOHN "BUDDY" SANCHEZ

Valencia County Magistrate Court

JSC Inquiry No. 2005-031

Supreme Court Docket No. 25,281

Pursuant to the Supreme Court's order of November 20, 2008, the current monitoring and compliance requires screening of Judge Sanchez's serum ammonia levels, which the Court directed in its March 8, 2007 order may be ordered and is monitored by the director of the Administrative Office of the Courts ("AOC") with notice to the Commission. Random drug and alcohol screening was discontinued by the Supreme Court's November 20, 2008 order, upon Judge Sanchez's motion that was granted in part.

MATTER OF HON. THERESA GOMEZ

Bernalillo County Metropolitan Court

JSC Inquiry No. 2006-128

Supreme Court Docket No. 30,549

Pursuant to the October 24, 2007 order of the Supreme Court, former judge Theresa Gomez is obligated to comply with the terms of a duly executed promissory note, which include monthly installment payments to repay \$17,000.00 constituting unpaid rent due to the Region III State Housing Authority, its successor, agent, or assignee.

ALL 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 RELATED STATE CASES

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)

State ex rel. New Mexico Judicial Standards Com'n v. Espinosa, 2003-NMSC-017, 134 N.M. 59, 73 P.3d 197

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

STATE CASE REGARDING COMMISSION SUBPOENAS

State ex rel. New Mexico Judicial Standards Com'n v. Rivera et al., No. 29,239, slip op. (N.M. 2005)



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 2014, the State Legislature appropriated \$836,900.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct. The Commission also received a budget adjustment in FY 2014 of \$3,087.00 to its fund balance to clear an audit adjustment from a prior year.

FY 2014 Commission expenditures totaled \$836,659.33 from the General Fund. Summaries by category of the Commission's expenditures are provided herein for each fund.

FY 2014 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$488,570.93	58.4%
Employee Benefits & Taxes	174,383.18	20.8%
Employee/Board Training & Licensing	17,181.07	2.1%
Commission Travel	6,673.01	0.8%
Investigation & Prosecution Expenses	5,765.97	0.7%
Contractual Services	21,299.60	2.6%
Rent, Telecom, IT & Overhead	101,177.88	12.1%
Equipment, Supplies & Postage	21,607.71	2.5%
TOTAL	\$836,659.33	100%

INVESTIGATION & TRIAL COST REIMBURSEMENT FUND

In the 2010 regular session, the Commission obtained a new, non-reverting fund granted by the Legislature that commenced in FY 2011 into which the Commission can deposit the investigation and trial cost reimbursements collected from judges, most often by order of the Supreme Court. The Legislature granted the authority for the Commission to collect up to \$25,000.00 per year, expend, and not revert the balance in this fund at the end of each fiscal year. The Commission requested and received a reduction in the fund cap for FY 2014 to \$10,000.00.

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, which remains available to the Commission to expend in FY 2015. In FY 2014 the Commission did not collect any additional cost reimbursements from judges.

DESCRIPTION	FY 2014 COSTS	FY 2014 FINES	FY 2014 EXPENDITURES	BALANCE
Balance Forward from FY 2011				\$ 1,545.38
FY 2014 Collections from Judges	0.00	0.00		1,545.38
FY 2014 Other Funds Expenditures for Investigation & Prosecution			\$ (0.00)	1,545.38
TOTALS	\$ 0.00	\$ 0.00	\$ (0.00)	\$ 1,545.38

FINES AND COST REIMBURSEMENT DISTINGUISHED

The Supreme Court may impose fines against judges 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 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 2014, the total amount due from Mr. Griego is \$9,386.16. Mr. Griego has not made any payment to the Commission and his debt remains outstanding. The Commission recorded judgment liens with county clerks. Due to the recorded judgment liens, in 2011 the Commission was named a party (along with federal and state taxing authorities) to a foreclosure lawsuit brought against Mr. Griego and his wife by their mortgage holder. That lawsuit was dismissed for lack of prosecution by the plaintiff bank. At the end of FY 2013, the Commission was named a party to another foreclosure lawsuit brought against the Griegos, which is still pending. At the end of FY 2014, the Commission was again named a party to a third foreclosure lawsuit concerning the Commission's recorded judgment lien for the debt from Mr. Griego, but the Commission has determined that the lawsuit does not involve Mr. Griego and intends to seek dismissal as a party from the action in FY 2015.

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 remains outstanding. The Commission recorded a judgment lien with the county clerk. With annual interest of \$51.82 that accrued through FY 2014, Mr. Ryan owes the Commission \$699.56.

FY 2014 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2014 Final Approved Budget	\$ 839,987.00	
Total FY 2014 Expenditures		\$ (836,659.33)
FY 2014 Reversion to General Fund		(3,327.67)
Total Expenditures and Reversion		\$ (839,987.00)

Note: Reversion represents 0.396% of the Commission’s total General Fund appropriation.

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FUNDING	EXPENDITURES	REVERSION FROM GENERAL FUND	REVERSION FROM COST REIMBURSEMENTS	REVERSION AS % OF FUNDING
2005	529,352.00	515,810.65	8,541.35	\$5,000.00	2.558%
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%

