



FY 2015 ANNUAL REPORT





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COMMISSIONERS

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode
Jaime Chavez

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

Hon. Maurine Laney
Hon. Steven O. Lee

Bill Leslie
Beth Paiz

Hon. Jerry H. Ritter, Jr.
Ruth M. Schifani, Esq.

Darla Wax

STAFF

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

Phyllis A. Dominguez, Esq.
Investigative Trial Counsel

Deborah L. Borio, Esq.
Investigative Trial Counsel

Evonne Sanchez
Paralegal

Shariesse T. McCannon
Clerk of the Commission & Paralegal

Krista M. Ganes-Chavez
Finance Manager

Susan M. Torres
Law Office Specialist

Chance A. Gauthier
Law Clerk

MAILING ADDRESS

P.O. Box 27248
Albuquerque, NM 87125-7248

PHYSICAL ADDRESS

111 Lomas Blvd. NW, Ste. 220
Albuquerque, NM 87102-2368

TELEPHONE

(505) 222-9353

WEBSITE

www.nmjsc.org

Graphic Design & Layout

Randall D. Roybal, Esq.
Susan M. Torres

Select Photos

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§ JUDICIAL STANDARDS COMMISSION



**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

POST OFFICE BOX 27248
ALBUQUERQUE, NEW MEXICO 87125-7248
(505) 222-9353
WWW.NMJSC.ORG

JOYCE BUSTOS
CHAIR

MALINDA WILLIAMS
VICE-CHAIR

JOHN BODE
JAIME CHAVEZ
HON. JOHN A. DEAN, JR.
NORMAN L. GAGNE, ESQ.
HON. MAURINE LANEY
HON. STEPHEN O. LEE
BILL LESLIE
BETH PAIZ
HON. JERRY H. RITTER, JR.
RUTH M. SCHIFANI, ESQ.
DARLA WAX

RANDALL D. ROYBAL, ESQ.
EXECUTIVE DIRECTOR & GENERAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ.
INVESTIGATIVE TRIAL COUNSEL

DEBORAH L. BORIO, ESQ.
INVESTIGATIVE TRIAL COUNSEL

September 1, 2015

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

Ladies and Gentlemen:

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

With the recent amendment to the New Mexico Constitution, two new positions were added to the Commission on 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. Training for staff, as well as for the public members on the Commission, has remained a priority. The dedication and integrity of the entire staff have made it a pleasure and an honor to serve on this Commission.

Sincerely yours,

A handwritten signature in blue ink that reads "Joyce Bustos". 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, 2015

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	07/01/14–06/30/19
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	07/01/13–06/30/18
6	Ruth M. Schifani, Esq.	State Bar	07/01/14–06/30/18
7	Norman L. Gagne, Esq.	State Bar	07/01/12–06/30/16
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	07/01/14–06/30/19
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 2015: Hon. Nan G. Nash, June 30, 2015; and Hon. Buddy J. Hall, June 30, 2015.

Incoming Members in FY 2016: Hon. John A. Dean, Jr., July 1, 2015; and Hon. Maurine Laney, July 1, 2015.

COMMISSIONERS & STAFF



COMMISSION MEMBERS

AS OF JUNE 30, 2015

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.



WILLIAM N. (BILL) LESLIE was appointed to the Commission by Governor Susana Martinez in December 2013. Married with three children, Bill retired after a 32-year career with Public Service Company of New Mexico. In 2000, he founded and served as president of Sage Energy Group Inc. (Sage), a New Mexico Corporation, handling all contract development and negotiations for the corporation. With a client target group of governmental institutions, tribal entities, utilities, large commercial/industrial companies, and other utility infrastructure asset owners, Sage has successfully managed numerous short and long term contracts, both within and outside of New Mexico, offering expertise from building and electric utility, utility infrastructure design/improvements, to evaluations/analysis on today's renewable energy interests. Bill believes in a strong commitment to the State and community, and has served on numerous Boards and Committees. In addition to his current service to the New Mexico Judicial Standards Commission, he has previously enjoyed working with and for, the University of New Mexico, New Futures School, United Way of America, United Way of New Mexico, Greater Albuquerque Chamber of Commerce, Albuquerque Hearing and Speech Language Center, and All Faiths Receiving Home to name a few. With family and friends, in business or community service, Bill approaches his involvement with the highest regard to both personal and professional ethics.



HON. 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, volunteering as a horse groomer and supporting her children in their after school activities.



HON. JERRY H. RITTER, JR. was appointed to the Commission by the New Mexico Supreme Court in 2009. 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.



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



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 has been employed since 1994 with Community Against Violence, Inc. (CAV), a progressive, successful non-profit agency located in Taos County serving adult and child survivors of sexual and domestic violence, and child abuse in northern New Mexico. For the last 18 years she has been the organization's executive director. During her career Ms. Williams has served on numerous boards and commissions, often in a leadership position, and has presented at state and national forums and conferences. Ms. Williams continues to be active in local and statewide committees, planning groups, and councils working on issues pertaining to social justice, coalition building, and community organizing to find solutions for ending domestic and sexual violence and child abuse.



CHAIRS OF THE COMMISSION

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

EXECUTIVE DIRECTORS OF THE COMMISSION

RANDALL D. ROYBAL, ESQ.
August 2009–Present

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

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

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

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



COMMISSION STAFF MEMBERS

EXECUTIVE DIRECTOR & GENERAL COUNSEL

RANDALL D. ROYBAL, ESQ. joined the Commission staff in February 1998 and serves as Executive Director, General Counsel, and Chief Financial Officer for the agency. Mr. Roybal is the immediate past president of the Association of Judicial Disciplinary Counsel (“AJDC”)—the international professional association of judicial disciplinary agency directors, counsel, investigators, and staff—having been elected to three terms as president. He was elected to the AJDC board of directors in 2007 and continues to serve as a director. He also served as the association’s vice-president from 2009–2011. Mr. Roybal is a frequent invited presenter at local, regional, and national conferences and events concerning judicial ethics and discipline. Prior to joining the Commission, he 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, Mr. Roybal 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 in 2004 as Paralegal. She earned her paralegal certificate from the University of New Mexico in 1996 and has been an active member of the Paralegal Division of the State Bar of New Mexico since 2000. She is the former Chair of the Paralegal Division for 2012 and served as Chair on the committee for Continuing Legal Education programs from 2008-2014. She served on the State Bar of New Mexico Board of Bar Commissioners for 2012 and 2013. She was a member of the Awards Committee for the State Bar annual meeting and serves on the Supreme Court Commission on Professionalism. She is a member of the Association of Judicial Disciplinary Counsel. Ms. Sanchez is a native New Mexican and has legal assistant and paralegal experience spanning over 27 years. Prior to joining the Commission staff, the majority of Ms. Sanchez' legal work was performed as a paralegal and office manager for an Albuquerque law firm specializing in criminal defense. Ms. Sanchez also has substantial experience in the areas of personal injury and civil litigation.



CLERK OF THE COMMISSION & PARALEGAL

SHARIESSA 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 currently serves as Finance Manager and Chief Procurement Officer. She earned an associate of applied science degree in paralegal studies from the Albuquerque Technical Vocational Institute in 2006. She has been an active member of the Paralegal Division of the State Bar of New Mexico since 2010. She was elected to the Paralegal Division Board in 2010 and served up until she was elected Chair in 2013. Krista was chair to the Membership Committee (2012-2014), Professional Development Committee (2012-2014) and CLE Co-coordinator (2010-2014). She served as Immediate Past Chair of the Paralegal Division in 2014. In 2014 Krista had the pleasure of serving as a Board of Bar Commissioner, where she was also a member on the awards committee. In 2013 she joined with the Young Lawyers Division to begin a monthly veteran's initiative clinic, which is still going strong today. In 2007 she was appointed to the Paralegal Advisory Committee for Central New Mexico Community College and continues to serve to date. She has also been a member of the Association of Government Accountants since 2009, and became a Member at Large of the Chapter Executive Committee



in 2015. 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.

LAW OFFICE SPECIALIST

SUSAN M. TORRES joined the Commission staff in February 2014 and serves as 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.



LAW CLERK

CHANCE A. GAUTHIER joined the Commission staff in 2015 and serves as a Law Clerk for the Commission. Mr. Gauthier graduated from Los Lunas High School in 2008, then attended the University of New Mexico and graduated with a bachelor of arts degree in Political Science in 2012. After receiving his undergraduate degree, Mr. Gauthier worked in a managerial capacity overseeing a mass tort litigation at a prominent Albuquerque plaintiff’s law firm. Further solidifying his passion for the law, Mr. Gauthier enrolled in the University of New Mexico School of Law and is expected to graduate in 2017. Mr. Gauthier participated in Youth in Government while in high school and attributes his passion for the law to this program. While in Youth in Government, Mr. Gauthier was elected a top delegate in the New Mexico Program and was selected to participate on a national scale in a mock legislature. The experience gave him his first taste of the law and ignited his passion for public service work.





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 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 the commission or its masters, and proceedings before the commission or its masters, are confidential. The filing of papers and giving of testimony before the commission or its masters is privileged in any action for defamation, except that the record filed by the commission in the supreme court continues privileged but, upon its filing, loses its confidential character, and a writing that was privileged prior to its filing with the commission or its masters does not lose its privilege by the filing.” Confidentiality requirements do not apply to third-party complainants.

The New Mexico Supreme Court’s files and hearings are accessible to the public unless sealed 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 matter closed at this stage of the Commission's proceedings remains confidential.

Formal Proceedings. If at least seven of the thirteen members of the Commission vote to begin formal proceedings, a Notice of Formal Proceedings will be issued and served upon the judge. The Notice of Formal Proceedings will contain the charges alleged, the facts upon which the charges are based, the laws, canons and rules allegedly violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings. After service of a Notice of Formal Proceedings, the Commis-

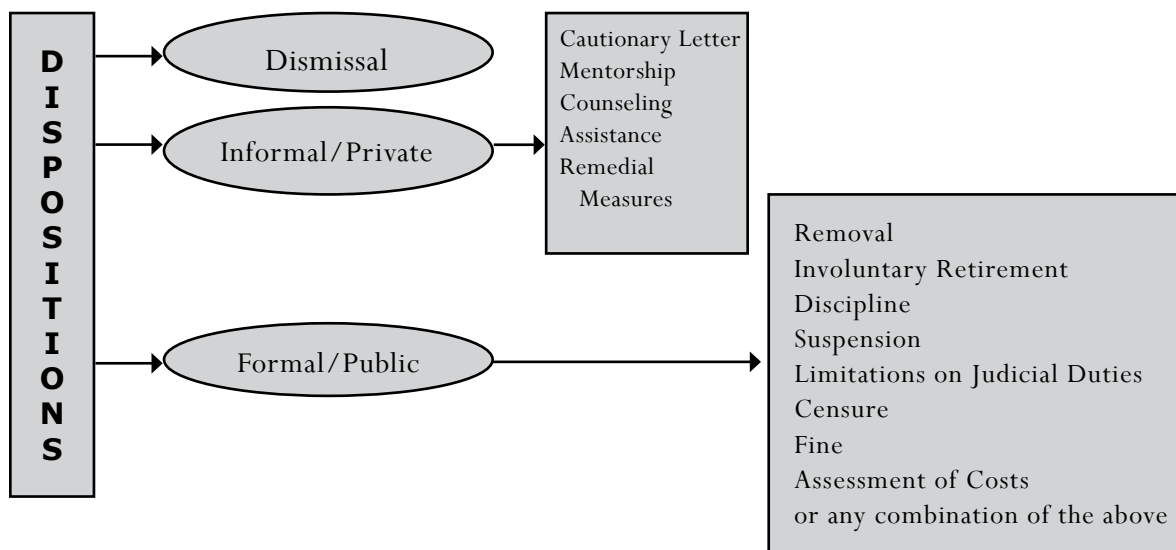
sion’s jurisdiction attaches and is not affected by subsequent resignation or termination from office. The judge’s answer to the Notice of Formal Proceedings shall be in writing and verified.

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.



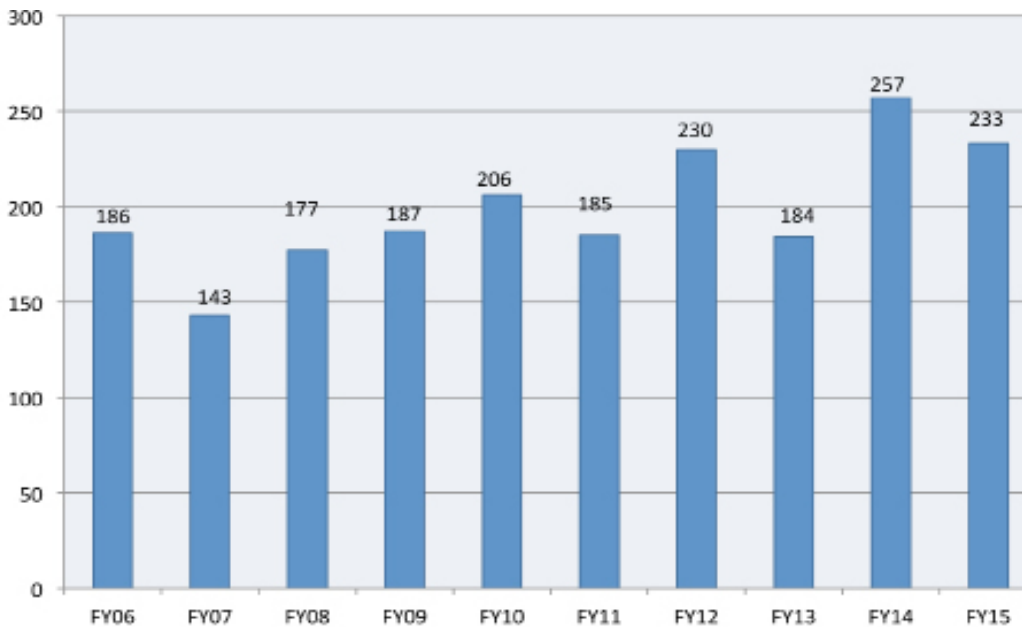


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2014–JUNE 30, 2015

COMPLAINTS RECEIVED

In FY 2015 the Commission received 233 written complaints, which is the second highest number ever received in the Commission's history. The aggregate is comprised of 180 verified complaints (includes Commission-initiated and reopened inquiries) and 53 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS

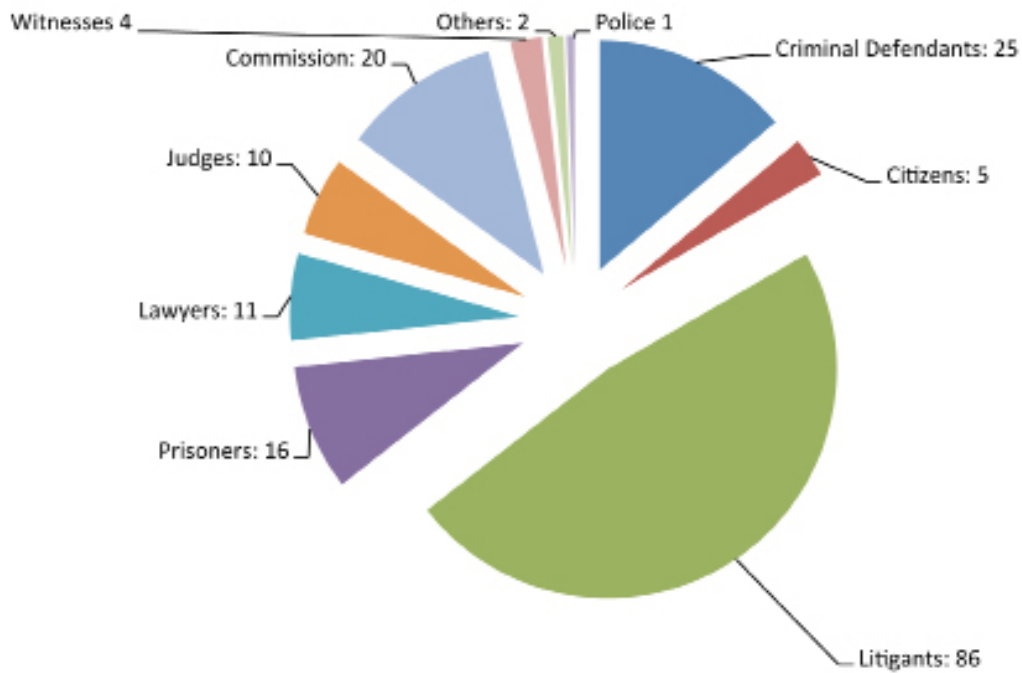


The Commission has an established pre-screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request them. 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 180 verified complaints filed with the Commission, most were filed by litigants. The distribution of the sources of written, verified complaints was the following: 86 by litigants or their family/friends, 25 by criminal defendants or their family/friends, 5 by citizens, 0 by public officials, 11 by lawyers, 10 by judges, 1 by police, 0 by news media, 16 by prisoners, 4 by witnesses, and 2 by others. Additionally, 20 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



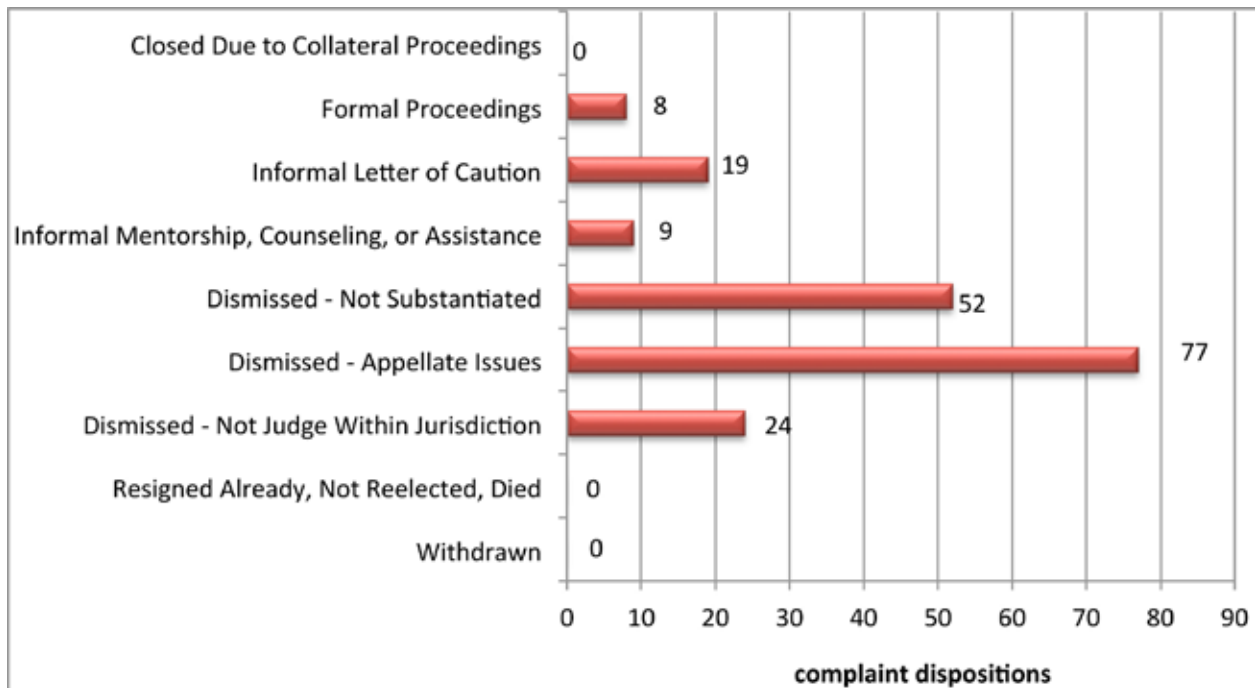
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	CASELOAD %
Supreme Court	1	0.6%
Court of Appeals	1	0.6%
District Court	114	63.3%
Metropolitan Court	7	3.9%
Magistrate Court	38	21.1%
Municipal Court	8	4.4%
Probate Court	0	0.0%
Not a Judge	11	6.1%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY15 (July 1, 2014)	49
New Written/Verified Complaints and Inquiries in FY15	180
Inquiries Concluded in FY15	(189)
Inquiries Pending at End of FY15 (June 30, 2015)	40

Of the 189 cases disposed in FY 2015, the Commission concluded 8 cases (involving 5 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 19 informal letters of caution to 17 individuals. 77 cases were dismissed as appellate, 24 cases because they concerned individuals beyond the Commission’s jurisdiction, and 52 cases as unsubstantiated. In 9 cases involving 7 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. No cases were closed because the judges died, resigned, or were not re-elected, and no matters were closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2015 case dispositions.

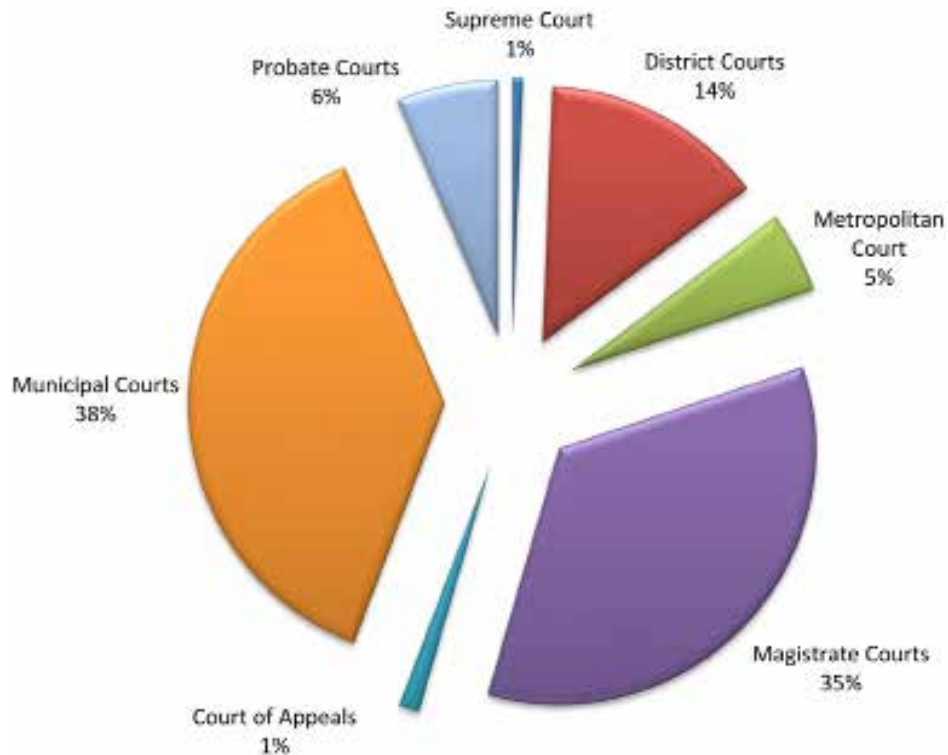


HISTORICAL CASES FILED IN THE SUPREME COURT

From July 1, 1968 through June 30, 2015, the Commission filed 156 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 118 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.

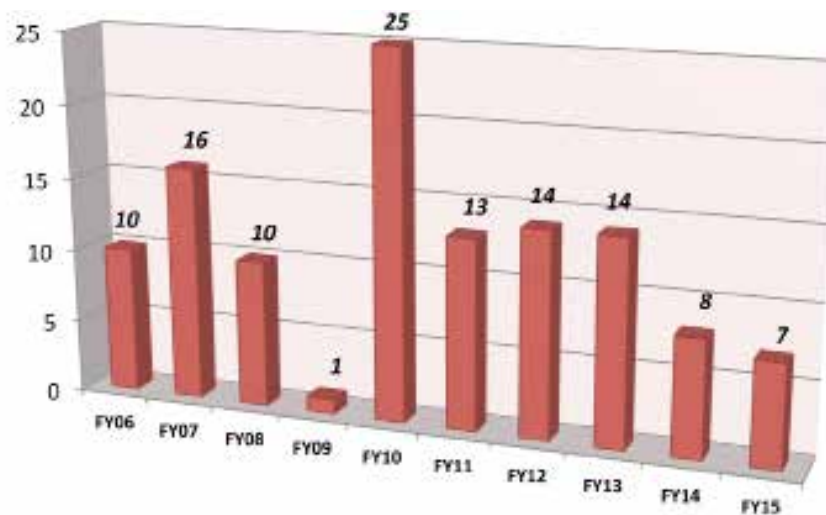
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2015, 7 cases concerning 4 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 181 cases concerning 85 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, 2015, the Commission has informally disposed of 394 case files. The following tables illustrate the distribution of the informal cautionary letters and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (285 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.4%
Court of Appeals	2	0.7%
District Court	78	27.3%
Metropolitan Court	30	10.5%
Magistrate Court	104	36.5%
Municipal Court	66	23.2%
Probate Court	4	1.4%

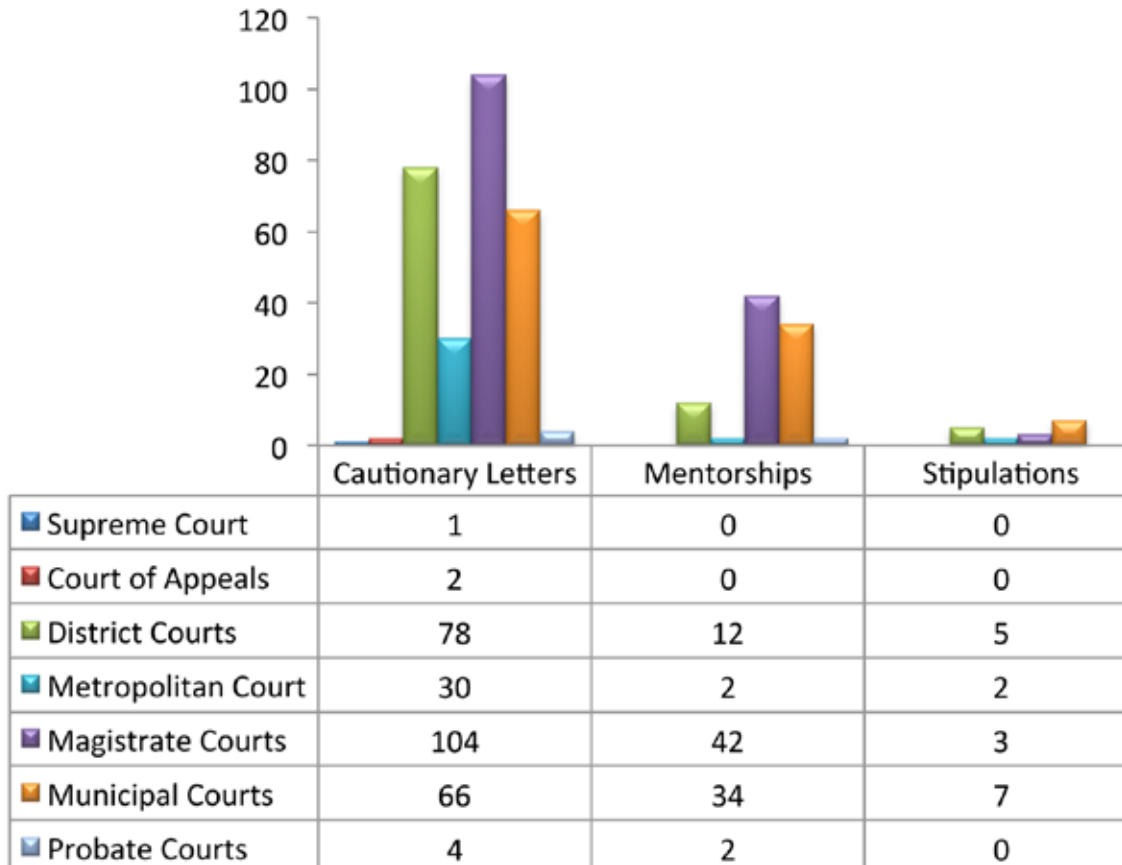
MENTORSHIPS (92 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL MENTORSHIPS
Supreme Court	0	0.0%
Court of Appeals	0	0.0%
District Court	12	13.0%
Metropolitan Court	2	2.2%
Magistrate Court	42	45.6%
Municipal Court	34	37.0%
Probate Court	2	2.2%

CONFIDENTIAL STIPULATIONS

In addition to confidential letters of caution and referrals to the mentorship program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2015, 1 case was disposed through confidential stipulation. Historically, the Commission has disposed of 17 cases through such stipulations.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS





**PROCEEDINGS BEFORE THE COMMISSION
JULY 1, 2014–JUNE 30, 2015**

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

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

FORMAL PROCEEDINGS

In FY 2015, the Commission concluded 9 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 2015. Formal proceedings that remained confidential are not included below.

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 Judge Baca 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.

On June 25, 2014, the Commission filed its Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings. On July 30, 2014, the Supreme Court issued its Order granting the Commission's Motion, making Judge Baca's permanent resignation effective on July 30, 2014 at 5:00 p.m., and unsealing the Court's file with the exception of an unredacted exhibit that contained statutorily-protected personal identifier information. The Commission subsequently closed this matter.

MATTER OF HON. RUDY MARTIN

Rio Arriba County Magistrate Court

JSC Inquiry Nos. 2014-112, 2014-135 & 2014-150

Supreme Court Docket No. 35,117

On October 17, 2014, the Commission issued a Notice of Formal Proceedings to Judge Martin in consolidated cases 2014-112, 2014-135 and 2014-150. The Notice of Formal Proceedings contained the following eight (8) charges:

1. On or about October 8, 2014, Respondent involved himself in an ongoing New Mexico State Police (NMSP) investigation by going to the scene of a follow-up investigation, asking an NMSP Agent about the investigation, and then subsequently arriving at the home of one of the suspects as either the attorney for the suspect or assisting the suspect in obtaining an attorney.

2. On or about July 22, 2014 while serving as Rio Arriba County Magistrate Judge, Respondent engaged in the practice of law when he failed to timely withdraw and obtain substitute counsel for the defendant in one of the cases Respondent had as an attorney and, instead, appeared before a district court judge as the attorney of record.
3. On or about September 4, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent engaged in the practice of law by filing a pleading as the attorney of record in one of the cases Respondent had as an attorney, wherein Respondent stated reasons and moved for a continuance, as well as untimely moved for withdrawal nearly three months after Respondent was qualified, appointed, and sworn in to assume judicial duties.
4. On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent engaged in the practice of law by failing to timely withdraw and obtain substitute counsel for his clients in fifteen (15) cases.
5. On or about June 25, 2014, Respondent exceeded his jurisdiction when he arraigned a juvenile on a petty misdemeanor charge, accepted a "Guilty" plea from the juvenile, adjudged him Guilty, sentenced the juvenile to 182 days unsupervised probation, and assessed \$98.00 in fines and fees against the juvenile.
6. On or between about June 23, 2014 and August 29, 2014, Respondent made defamatory and critical remarks in open court and the community at large about the Rio Arriba County Magistrate Court Presiding Judge and the former magistrate judge whose position Respondent was appointed to fill. Respondent continued to make defamatory and critical remarks about these judges despite being expressly told, in person, by the Administrative Office of the Courts Director, Magistrate Court Division, on July 9, 2014, and again by the Director's written memorandum that was emailed to Respondent on July 11, 2014, that it was a violation of the Code of Judicial Conduct to publicly criticize other judges and that Respondent needed to refrain from doing so.
7. On or about August 29, 2014, during an arraignment, Respondent failed to be patient, dignified, and courteous to the Defendant and disparaged him for having received "slaps on the hand" for eleven previous citations and accused the Defendant of having received such lenient treatment because he or his family knew the Presiding Judge of the Rio Arriba County Magistrate Court and, further, Respondent created the perception that he was not impartial and that he had prejudged the case by making comments to the effect that the Defendant would not be treated so leniently in Respondent's courtroom.
8. On or about September 8, 2014, Respondent failed to appoint a court interpreter, as required by the Rules of Civil Procedure for the Magistrate Courts, when the need became apparent from the disclosure by a case participant and, instead, Respondent conducted a trial entirely in Spanish, which is expressly prohibited by the Rules of Civil Procedure for the Magistrate Courts.

On November 6, 2014, the Commission received Judge Martin's response, in which he stated he did not have any verified complaints or enough specifics to properly respond to the allegations. The Commission staff addressed these issues with Judge Martin and he filed a verified response to the formal charges on December 2, 2014.

On January 30, 2015, Judge Martin and the Commission entered into a Stipulation to Permanent Resignation Upon Expiration of Term of Office. On February 2, 2015, the Commission filed, under seal, a Petition to Accept Stipulation Agreement with the Supreme Court. Although Judge Martin had been suspended from performing duties as a magistrate judge on October 31, 2014 by the Chief Justice of

the New Mexico Supreme Court, and his term of office expired on December 31, 2014, the Commission retained jurisdiction over Judge Martin because of the pending charges.

On February 13, 2015, the Supreme Court issued its Order granting the Commission's Petition to Accept Stipulation Agreement, approving the stipulation to permanent resignation, ordering Judge Martin's permanent bar from judicial office, and unsealing the file.

MATTER OF HON. KENNETH MARTINEZ

Second Judicial District Court

JSC Inquiry No. 2014-056

Supreme Court Docket No. 34,915

The Commission issued a Notice of Preliminary Investigation to Judge Martinez on April 11, 2014. The Commission appointed a pro bono guardian ad litem for the judge on June 6, 2014. Judge Martinez took temporary leave from judicial office beginning June 9, 2014 pursuant to a confidential Stipulation Agreement to Temporary Leave from Judicial Office with the Commission.

Upon a unanimous vote, the Commission entered into a Stipulation to Permanent Retirement from Judicial Office with Judge Martinez on September 26, 2014. The medical report upon which the Stipulation was based was filed separately under seal and the Commission requested that the medical report remain permanently sealed. Judge Martinez later issued a press release stating that his decision to retire followed the diagnosis that he suffered from Major Neurocognitive Disorder due to the early onset of Alzheimer's Disease.

The Stipulation provided the following:

Respondent agrees to permanently retire as Judge of the Second Judicial District Court Division XXIX, Albuquerque, New Mexico effective 5:00 p.m. on December 31, 2014. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall submit duplicate original letters of retirement to the Chief Justice of the New Mexico Supreme Court, the Administrative Office of the Court and to the Governor. Respondent shall concurrently provide a copy of the retirement letter to the Commission. The retirement letters shall be tendered on or before September 15, 2014.

Upon retirement, 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.

The Commission requested and the Respondent withdrew his name from the November 2014 ballot as a candidate for judicial retention on August 28, 2014, and submitted a copy of the withdrawal letter to the Commission on August 28, 2014.

The Commission will file under seal with the New Mexico Supreme Court pursuant to Rule 27-104(B) NMRA 2011 a Petition to Accept Stipulation to Permanent Retirement from Judicial Office attaching a copy of the Stipulation.

Upon granting the Petition to Accept Stipulation to Permanent Retirement from Judicial Office, the Supreme Court may unseal the entire Supreme Court file in this matter pursuant to Rule 27-104(B).

Upon execution of this Stipulation and acceptance by the Supreme Court, the Commission will close this matter (Inquiry No. 2014-056).

On September 29, 2014 the Commission filed under seal with the New Mexico Supreme Court a Petition to Accept Stipulation to Permanent Retirement from Judicial Office Effective December 31, 2014, requesting the Court to accept the terms of the parties' agreement in this matter.

On October 14, 2014 the Court issued the following Order accepting the Petition.

It is ordered that the petition to accept stipulation to permanent retirement from judicial office effective December 31, 2014, is GRANTED and respondent, Hon. Kenneth H. Martinez, shall abide by all terms of the stipulation to permanent retirement from judicial office;

It is further ordered that the permanent retirement of respondent, the Honorable District Judge Kenneth H. Martinez, shall be effective at 5:00 p.m. on December 31, 2014;

It is further ordered that respondent shall submit duplicate original letters of retirement to the Chief Justice of the Supreme Court of New Mexico, the Administrative Office of the Court, and the Governor of the State of New Mexico by October 15, 2014, and shall concurrently provide a copy to the Commission;

It is further ordered that respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future;

It is further ordered that respondent shall never seek, accept appointment to, or serve pro tempore for any New Mexico judicial office in the future, which includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and Justice of the Supreme Court, and shall never again hold or exercise any judicial authority in the State of New Mexico, which includes officiating at weddings; and

It is further ordered that all documents filed in this Court in Inquiry No. 2014-056 are UNSEALED pursuant to Rule 27-104(B) NMRA, except that Exhibit B to the petition shall be PERMANENTLY SEALED.

After Judge Martinez completed all requirements of the Stipulation, the matter was closed.

MATTER OF 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 continued in a formal mentorship with supervised probation, which was 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*.

Pursuant to the Supreme Court's order of April 19, 2013, Judge Naranjo was ordered to complete a supervised probation and formal mentorship for the remainder of his term of office, which ended December 31, 2014. Judge Naranjo successfully completed his probation and mentorship. The Commission subsequently closed the matter.

MATTER OF HON. MICHAEL G. RAEL

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 recommended 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 unsupervised mentorship and probation at the end of FY 2015. Subsequent reportable events will be provided in the Commission's Annual Report for FY 2016.

MATTER OF HON. DAVID RAMOS, SR.
Hurley Municipal Court
JSC Inquiry No. 2014-094
Supreme Court Docket No. 34,884

On August 5, 2014, the Commission issued a Notice of Preliminary Investigation, in which it was alleged that Judge Ramos called a Magistrate Judge to personally vouch for a defendant in a case that was pending before the Magistrate Judge and to attempt to obtain special treatment for the defendant. On August 15, 2014, Judge Ramos responded to the Notice of Preliminary Investigation and admitted to the conduct.

On September 8, 2014, the Commission and Judge Ramos entered into a Stipulation Agreement and Consent to Discipline with the following conditions:

- A. Public censure, which shall be published in the New Mexico Bar Bulletin.
- B. Formal mentorship. The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of ex parte communications, vouching for/acting as a character witness in legal proceedings, and abusing the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to

be issued during the period of mentorship, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in formal proceedings.

C. Unsupervised probation for a period of one (1) year. Following Respondent's anticipated successful completion of a formal mentorship, Respondent will be on unsupervised probation for a period of one (1) year. The one-year probationary period will commence upon conclusion of the mentorship on the day the Commission files the final mentor report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to be issued during the period of unsupervised probation, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in probation revocation and formal proceedings.

Also on September 8, 2014, the Commission filed its Petition to Accept Stipulation Agreement and Consent to Discipline, under seal, with the Supreme Court. The Supreme Court granted the Petition on October 14, 2014, and unsealed the file. On December 10, 2014, the Supreme Court concurred with the Commission's recommendation of a mentor and appointed Hon. Manuel I. Arrieta, Third Judicial District Court Judge, to serve as Judge Ramos' mentor.

On April 10, 2015, Judge Arrieta filed his mentorship report. On April 13, 2015, the Commission determined the mentorship was successful and consequently filed its Notice of Completion of Formal Mentorship and Commencement of Unsupervised Probation with the Supreme Court. On May 11, 2015, the Court issued its Order approving the release of Judge Ramos from the formal mentorship. Upon issuance of the Order Judge Ramos began his one (1) year of unsupervised probation.

This matter was ongoing at the end of FY 2015. Subsequent events will be provided in the Commission's FY 2016 Annual Report.

MATTER OF HON. PHILIP J. ROMERO

Pro Tempore Magistrate Judge

JSC Inquiry Nos. 2014-063 & 2014-075

Supreme Court Docket No. 30,316

On April 11, 2014, the Commission issued a Notice of Preliminary Investigation in which it was alleged that Judge Romero was impermissibly endorsing judicial candidates on Facebook. On April 15, 2014, Judge Romero responded to the Commission, admitted to the conduct and informed the Commission that he would no longer endorse candidates on Facebook.

On June 2, 2014, the Commission issued a second Notice of Preliminary Investigation in which Judge Romero was alleged to have continued his public endorsement of judicial candidates on Facebook, as well as posted candidates' campaign materials on his Facebook pages, despite having told the Commission that he would refrain from doing so. Judge Romero responded on June 5, 2014, admitted to the conduct, apologized to the Commission for misleading them, and stated he was comfortable in endorsing candidates because he was retired.

Although Judge Romero had retired from the magistrate court, at the time of the conduct he was performing judicial duties as a pro tempore judge, was on contract to serve as a pro tempore magistrate judge, and was designated by the orders of eight (8) District Court Chief Judges to serve as a pro tempore magistrate in the respective districts. As such, he was prohibited from endorsing candidates. Therefore, on August

14, 2014, the Commission issued a Notice of Formal Proceedings. On August 19, 2014, the Commission received Judge Romero's unverified response to the Notice of Formal Proceedings; he filed his Verification to the response on November 19, 2014.

On January 30, 2015, the Commission and Judge Romero entered into a Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings. In the Stipulation, Judge Romero admitted to the conduct and admitted that his conduct violated Rules 21-101, 21-102, 21-103, 21-216(A), and 21-401(C)(2)(a) of the Code of Judicial Conduct.

The Stipulation provided in part:

Respondent agrees to permanently retire as a pro tempore judge effective at 5:00 p.m. on the same day that the Supreme Court enters an order approving this Stipulation and ordering Respondent's retirement. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall effect his permanent retirement by submitting duplicate original letters of retirement addressed to the Chief Justice of the New Mexico Supreme Court and to the Director, Administrative Office of the Courts, with a copy to the Judicial Standards Commission. Upon retirement, 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 2, 2015, the Commission filed, under seal, its Petition to Accept Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings. On February 11, 2015, the Commission received a copy of a letter Judge Romero sent to the Chief Justice of the New Mexico Supreme Court resigning from his duties as a pro tempore judge. On February 13, 2015, the Supreme Court issued its Order granting the Commission's Petition, ordering Judge Romero's permanent retirement, and unsealing the file. The Commission subsequently closed these matters.

MATTER OF HON. SHARON C. TORRES

Bernalillo Municipal Court

JSC Inquiry No. 2013-077

Supreme Court Docket No. 34,601

On March 20, 2014, the Commission issued a Notice of Preliminary Investigation to Judge Torres. Judge Torres filed her response on April 10, 2014. On July 9, 2014, the Commission issued a Notice of Formal Proceedings, to which Judge Torres responded on July 30, 2014. Trial in the matter was set for April 13, 2015.

On March 3, 2015, Judge Torres and the Commission entered into a Stipulation Agreement and Consent to Discipline. That same day, the Commission filed a Motion to Accept Stipulation Agreement and Consent to Discipline with the Supreme Court. The Motion detailed the specific acts and conduct, which fell into the following categories: Mismanagement of public funds, Failure to arraign, Failure to submit Abstracts of Record to MVD, Failure to recuse, Due process violations, Failure to ensure bench warrants were properly cleared, Failure to impose mandatory minimum sentence, Inaccurate reporting procedures for

fines, Appearance of impropriety, Ex parte communications, Failure to exercise judicial responsibilities, and Failure to supervise.

On April 27, 2015, the Supreme Court heard oral argument on the Commission’s Motion to Accept Stipulation Agreement and Consent to Discipline. The Court granted the Motion, and issued its Order that same day directing Judge Torres to abide by all terms of the Stipulation Agreement and Consent to Discipline and imposing the following discipline:

1. Formal mentorship with supervised probation for the remainder of Respondent’s term of office. The Judicial Standards Commission will recommend the mentor/probation supervisor for the Supreme Court’s approval and appointment. 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, which concludes in March 2016. The mentor/probation supervisor shall report on the progress and outcome of the mentorship and probation program to the Supreme Court and the Commission.
2. Training. Respondent shall review the 40-hour videotaped New Municipal Judges Orientation program provided by the Judicial Education Center and promptly submit written certification to the Supreme Court and the Commission upon completion. Respondent shall complete this review within six (6) weeks of the date the Supreme Court issues its Order granting the Commission’s Motion to Accept Stipulation Agreement and Consent to Discipline.

In addition, Respondent will promptly:

1. Coordinate with the Town of Bernalillo Finance Department/Town Treasurer to obtain hands-on training for the court clerks, as soon as practicable, to include:
 - a) Remedial training from Incode on correct use of financial modules and programs; and,
 - b) Remedial finance training, to include statutory requirements and the municipality’s mandatory processes and procedures.
2. Work with her assigned mentor/probation supervisor to obtain, and ensure successful completion of, remedial training for her clerks on their duties and responsibilities, to include statutory requirements and prohibited actions.
3. Work with her assigned mentor/probation supervisor to develop and implement written procedures/checklists/policies to address, as a minimum: file management, financial processes, and the clerks’ duties and responsibilities, to include statutory requirements.

The Court also accepted the Commission’s recommendation and appointed Hon. Judith Olean to serve as mentor and probation supervisor.

Judge Torres timely completed her review of the Municipal Judges Orientation program. On June 18, 2015, the Commission filed the Notice of Completion of Video Review Training with the Supreme Court.

This matter was ongoing at the end of FY 2015. Subsequent reportable events will be reported in the Commission’s Annual Report for FY 2016.

PROCEEDINGS THAT REMAIN CONFIDENTIAL

In FY 2015 the Commission filed two (2) Petitions for Immediate Temporary Suspension with the Supreme Court concerning judges who were alleged to have committed serious violations of constitutional, statutory, and other obligations. After hearing oral arguments of the parties (hearings were open to the public), the Supreme Court denied the petitions. The matters were later addressed by the Commission and are reported elsewhere herein.

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 by providing notice to the judge. In FY 2015, the Commission issued cautionary letters in 19 cases involving 17 judges, which addressed the issues listed below:

1. A judge allegedly failed to follow the law and procedural rules in a criminal case, failed to follow the law and procedural rules in a civil case, employed the judge's own personal procedures rather than established court procedures, and exceeded the court's jurisdiction. The judge was cautioned to: abide by the law, including statutes and constitutional requirements; abide by the Rules of Criminal Procedure and the Rules of Civil Procedure; maintain currency in the law and abide by changes, to include amendments to the rules; ensure the judge does not exceed the limits of the court's jurisdiction; and, to refrain from employing personal procedures that are not in compliance with the law.

2. A judge allegedly failed to be patient, dignified, and courteous to court staff and court officials, and allegedly failed to correct misrepresentations that someone was in a position to obtain special treatment because of a personal relationship with the judge. The Commission cautioned the judge to be patient, dignified and courteous, to work cooperatively with court officials; and, to avoid the appearance of impropriety.

3. A judge allegedly appeared in a business advertisement while wearing the judicial robes. The Commission cautioned the judge to refrain from exploiting the judge's judicial position by appearing in for-profit advertising while in judicial robes.

4. A judge allegedly treated court staff in a demeaning manner in public forums, walked out of court before proceedings were completed, and was discourteous to litigants. The judge was cautioned to be patient, dignified, and courteous to all with whom the judge interacts in an official capacity.

5. A judge running for higher judicial office allegedly had misleading campaign materials by not stating the judge's current judicial office, and by having the word "Re-elect" in campaign materials when the judge had never been elected to the higher judicial office being sought. The Commission cautioned the judge to ensure that: all campaign materials clearly indicate the judge's current judicial position, campaign materials do not contain misleading words, and that the judge provide guidance and oversight to campaign workers to ensure they comply with campaign law and do not undertake actions prohibited by the judge as a judicial candidate.

6. A judge allegedly directed denigrating and demeaning comments toward an attorney during court proceedings and also failed to provide a party the opportunity to be heard before ruling on a matter. The judge was cautioned to be patient, dignified, and courteous to attorneys and others the judge deals with in an official capacity and to refrain from issuing rulings affecting a party's interests until the litigants, or attorneys acting on their behalf, have the opportunity to be heard.

7. A judge allegedly participated in charitable fundraising while using the judicial title. The judge was cautioned to refrain from personally soliciting funds beyond the limitations imposed by the Code of Judicial Conduct, and to refrain from abusing the prestige of judicial office or allowing others to do so in order to advance personal or economic interests.

8. A judge allegedly received and responded to *ex parte* correspondence from an attorney in a pending case, but did not send a copy to the other party. The Commission cautioned the judge to refrain from improper *ex parte* communications, unless an express exception applies, and to follow the established rules of procedures for the court. The judge was also cautioned to refrain from acting upon or considering letters, correspondence, or other forms of potential *ex parte* communications from parties or their attorneys, that purport to substitute for a motion and that are not authorized by the rules of procedure. The Commission recommended that the judge instruct the judge's court staff to screen communications/ correspondence and to return *ex parte* communications to the sender with an admonition to file a motion or otherwise comply with the rules of procedure.

9. A judge allegedly failed to be patient, dignified and courteous to a litigant. The Commission cautioned the judge to treat all persons who appear before the judge with patience, dignity and courtesy as required by the Code of Judicial Conduct.

10. A judge allegedly failed to provide notice and opportunity to be heard to a defendant, failed to ensure that the court file accurately reflected action taken by the court, and was rude and impatient with a defendant. The Commission cautioned the judge to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, to ensure that the court file accurately reflects action taken by the court, and to be patient, dignified and courteous to all who appear before the judge.

11. A judge allegedly conducted a trial in an adversarial matter without giving the litigant proper, timely notice and the opportunity to be heard on the matter. The Commission cautioned the judge to provide proper, timely notice of hearings to all litigants.

12. A judge allegedly took action in a case from which the judge recused. The Commission cautioned the judge that if necessity required the judge to take action, the judge should disclose on the record the basis for possible disqualification and the reason for proceeding, and then make reasonable efforts to transfer the matter to another judge as soon as practicable.

13. A judicial candidate allegedly acted as an officer or held an office in a political organization while campaigning for judicial office. The Commission cautioned the judicial candidate to resign from office in a political organization prior to becoming a candidate for judicial office.

14. A judge allegedly failed to follow local rules, failed to document actions taken into the court's electronic records, failed to use a standard sentencing worksheet, failed to sentence a defendant to mandatory jail time, and ordered community service for a defendant contrary to law. The Commission cautioned the judge to abide by local rules, properly document judicial actions taken, use the standard forms as required by the court, and to respect and comply with the law.

15. A judge's judgment and sentence form allegedly failed to accurately document the judge's in-court ruling. The Commission cautioned the judge to ensure that all orders accurately reflect the dispositions of matters that come before the court.

16. A judge allegedly made negative personal comments regarding a victim and made inappropriate statements and jokes to court staff. Among other remedial measures, the judge was cautioned to be patient, dignified and courteous to all who come before the judge and to abide by court personnel policies.

17. A judge allegedly engaged in improper charitable solicitations while using court resources and on court time. Among other remedial measures, the judge was cautioned to refrain from: allowing personal interests to influence the judge's conduct and interfere with the performance of judicial duties;

participating in extrajudicial activities that create the appearance of impropriety and impermissibly make use of court resources; and, soliciting contributions unless it is from members of the judge's family or from judges over whom the judge does not exercise supervisory or appellate authority.

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 2015, 9 inquiries involving 7 judges were disposed informally through remedial measures, which are discussed below.

1. A judge allegedly extended defendants' probationary terms past the limits of the court's jurisdiction, failed to arraign defendants on probation violations, and failed to provide notice and opportunity to be heard to the defendants, defense counsel and to the prosecutor. The judge completed an informal mentorship, which addressed the concerns.

2. A judge allegedly found a defendant guilty in a criminal matter of using a material definition that was contrary to statutory definition. The judge completed an informal mentorship, which provided direct assistance and guidance with interpreting and applying the law.

3. A judge allegedly violated the due process rights of a defendant and failed to be patient, dignified and courteous to judges and court staff. The judge completed an informal mentorship to assist the judge in understanding due process rights and to assist the judge in developing appropriate communication skills with other judges and court staff.

4. A judge allegedly engaged in prohibited *ex parte* communication with one party which resulted with the judge amending the judge's orders without notice or opportunity to be heard to the other party. The judge completed an informal mentorship to assist the judge in understanding due process rights and the requirements of the Code of Judicial Conduct.

5. A judge allegedly took action concerning a defendant's probation after engaging in prohibited *ex parte* communication with a police officer. The judge completed an informal mentorship. The purpose of the mentorship was to assist the judge with general legal procedures and the requirements of the Code of Judicial Conduct.

6. A judge allegedly engaged in a pattern of serious legal errors affecting due process in multiple cases. The errors involved failing to explain conditions of release, failing to explain consequences for violating conditions of release, failing to inform defendants of the charges against them, accepting a guilty plea without informing a defendant of the consequences of a guilty plea, failing to provide notice and opportunity to be heard, misstating penalties, failing to inform a defendant of the bond amount, and failing to explain the defendant's constitutional right to an attorney. The judge agreed to complete an informal 6-month mentorship to assist the judge in understanding general legal procedures and the requirements of the Code of Judicial Conduct.

7. A judge allegedly failed to be patient, dignified and courteous to both parties in a case by using disparaging words and engaging in name-calling, and allegedly created excessive delay in appointing an expert in a case. The judge agreed to complete an informal mentorship on the issues of demeanor, excessive delay, and compliance with rule requirements.

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 2015, the Commission entered into 1 confidential stipulation.

1. A judge was alleged to have engaged in inappropriate charitable solicitations during court time and using court resources. The Commission and the judge entered into a stipulation agreement in which the judge agreed to be on unsupervised probation for one (1) year, complete a judicial ethics course at the judge's own expense, and receive a letter of caution, among other terms.

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 2015, the State Legislature appropriated \$858,300.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct.

FY 2015 Commission expenditures totaled \$855,534.63 from the General Fund. Summaries by category of the Commission's expenditures are provided herein for each fund.

FY 2015 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$506,936.02	59.3%
Employee Benefits & Taxes	179,395.05	21.0%
Employee/Board Training & Licensing	19,756.27	2.3%
Commission Travel	3,870.98	0.4%
Investigation & Prosecution Expenses	4,451.95	0.5%
Contractual Services	20,141.96	2.4%
Rent, Telecom, IT & Overhead	100,399.09	11.7%
Equipment, Supplies & Postage	20,583.31	2.4%
TOTAL	\$855,534.63	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 2015 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 2016. In FY 2015 the Commission did not collect any additional cost reimbursements from judges.

DESCRIPTION	FY 2015 COSTS	FY 2015 FINES	FY 2015 EXPENDITURES	BALANCE
Balance Forward from FY 2011				\$ 1,545.38
FY 2015 Collections from Judges	0.00	0.00		1,545.38
FY 2015 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 2015, the total amount due from Mr. Griego is \$9,922.51. 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. The plaintiff bank received a default judgment from the district court and the property was sold in FY 2015. Because there were no excess funds available after the sale, the Commission received no funds toward its outstanding judgement. 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 was dismissed 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 2015, Mr. Ryan owes the Commission \$751.38.

FY 2015 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2015 Final Approved Budget	\$ 858,300.00	
Total FY 2015 Expenditures		\$ (855,534.63)
FY 2015 Reversion to General Fund		(2,765.37)
Total Expenditures and Reversion		\$ (858,300.00)

Note: Reversion represents 0.003% 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
2006	650,816.00	650,253.11	0.00	\$562.89	0.087%
2007	688,853.00	688,812.57	40.43	\$0.00	0.006%
2008	819,548.00	803,295.93	0.00	\$16,252.07	1.983%
2009	842,973.00	832,600.37	6,799.01	\$3,573.62	1.231%
2010	780,002.40	749,752.96	22,047.04	\$8,202.40	3.878%
2011	731,300.00	717,230.17	14,069.83	\$0.00	1.924%
2012	706,900.00	705,230.69	1,669.31	0.00	0.236%
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,765.37	0.00	0.322%

