



State Of New Mexico
Judicial Standards
Commission



FY23 Annual Report



State of New Mexico
Judicial Standards Commission
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Albuquerque, NM 87110-4159
(505) 222-9353
www.nmjsc.org

William E. Foote, Ph.D
CHAIR

Roberta Jean Kamm
VICE-CHAIR

KEVIN R. DIXON, PH.D.
MARK A. FILOSA, ESQ.
HON. CHERYL H. JOHNSTON
NANCY R. LONG, ESQ.
KRISTIN D. MUNIZ
HON. DAVID OVERSTREET
ROBERT J. RADOSEVICH
TWILLA C. THOMASON
HON. MICKIE L. VEGA

PHYLLIS A. DOMINGUEZ, ESQ.
EXECUTIVE DIRECTOR & GENERAL COUNSEL

MARCUS BLAIS, ESQ.
INVESTIGATIVE TRIAL COUNSEL

November 13, 2023

Honorable Governor Michelle Lujan Grisham
Honorable Members of the State Legislature
Honorable Chief Justice and Justices of the Supreme Court
Citizens of the State of New Mexico

Ladies and Gentlemen:

It is my pleasure to present you with the Judicial Standards Commission's FY 2023 Annual Report. This report not only contains information about our substantive work overseeing state judicial conduct and discipline, but also our structure and performance as an independent, constitutionally mandated state agency.

The Commission had a busy year. The demand for services increased from the previous fiscal year by thirty-one (31) complaints and the Commission conducted seven (7) informal confidential conferences with judges in FY23. The Commission was also busy during the legislative session working to repeal an amendment to 34.10.2.1 NMSA, 1978 which unconstitutionally expanded the Commission's jurisdiction. The Legislature's repeal of the unconstitutional amendment ensures the Commission's jurisdiction is clear when performing its constitutional duties.

The Commission returned to in-person meetings in June 2023 following the Commission's relocation to a new office. However, the Commission also conducts hybrid Zoom meetings to accommodate Commissioners and judges who may not be able to attend in person.

Every year brings changes to the Commission's membership and structure due to the resignation or retirement of members which requires appointments to either fill vacant unexpired terms or the appointment to new terms. This year was no exception. Three commissioners left this year and were replaced as follows:

Hon. Melissa Kennelly resigned from the Commission on May 31, 2023, and the Supreme Court appointed Hon. Bradford J. Dalley, Eleventh Judicial District Court, to fill the remainder of Judge Kennelly's term which expires June 30, 2025;

Hon. Maurine Laney retired on December 31, 2022, and the Supreme Court appointed Hon. Mickie L. Vega, Lincoln County Magistrate Court, to fill the remainder of Judge

Laney's term, and re-appointed Judge Vega to a four-year term effective July 1, 2023;
and

Hon. Steven O. Lee – retired on June 30, 2021, and the Supreme Court appointed
Hon. David Overstreet, Alamogordo Municipal Court, to fill the municipal judge
vacancy which term expires June 30, 2025.

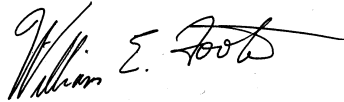
The Supreme Court appointed Hon. Cheryl H. Johnston to another four-year term expiring June 30,
2027. The Commission is experiencing one vacancy, following the June 30, 2023 retirement of long-
time member and former Chair, Joyce Bustos, and is awaiting the Governor's appointment.

The Commission hired three new staff members in FY23:

Vanessa Garcia was hired as Administrative Assistant in February 2023;
Lisa Juarez was hired as a Paralegal in February 2023; and
Marcus Blais was hired as Investigative Trial Counsel in April 2023.

We are looking forward to another year of fulfilling our constitutional duties on behalf of the citizens
of the State of New Mexico.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Foote". The signature is written in a cursive style with a long horizontal stroke extending to the right.

William E. Foote, Ph.D.
Chair, Judicial Standards Commission



F Y 2023 ANNUAL REPORT

CURRENT COMMISSIONERS

William E. Foote, Ph.D.
Chair

Roberta Jean Kamm
Vice Chair

Kevin R. Dixon, Ph.D.
Mark A. Filosa, Esq.
Hon. Cheryl H. Johnston
Nancy R. Long, Esq.
Kristin D. Muniz
Hon. David Overstreet
Robert Radosevich
Twillia C. Thomason
Hon. Mickie L. Vega

OFFICE

6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159

TELEPHONE

(505) 222-9353

WEBSITE

www.nmjsc.org

CURRENT STAFF

Phyllis A. Dominguez, Esq.
Executive Director & General Counsel

Marcus Blais, Esq.
Investigative Trial Counsel

Krista M. Ganes-Chavez
Chief Financial Officer

Andrea Torrez
Paralegal

Lisa Juarez
Paralegal

Vanessa Garcia
Administrative Assistant

Photograph courtesy of Krista Ganes-Chavez

Judicial Standards Commission

FORWARD

The Code of Judicial Conduct consists of rules which assist judges in maintaining the independence, impartiality and integrity of the judiciary, and the Judicial Standards Commission plays a vital role as an oversight agency to ensure that all state court judges uphold the principles and rules set forth in the Code.

The Preamble to the Code of Judicial Conduct defines the importance of the judiciary and the judiciary's role in maintaining a fair and equitable system of justice. Rule 21-001 explains: "An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role preserving the principles of justice and the rule of law. Inherent in all the rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system."

Judicial Standards Commissioners play a crucial role in the performance of the Commission's constitutionally mandated duties. The Commission consists of thirteen volunteer Commissioners whose duties are to receive, investigate and dispose of all complaints, issue subpoenas, order medical evaluations, order drug and alcohol testing, petition the Supreme Court for immediate temporary suspension or other interim relief, conduct informal confidential conferences, conduct motion and presentment hearings, and conduct hearings on the merits. We appreciate the judges, lawyers and members of the public who volunteer their time and energy to serve the State of New Mexico.

Commissioners and staff work diligently throughout the year to ensure that dispositions of complaints reflect an outcome that best serves the interests of justice, preserves the public's confidence in the judiciary and preserves the independence, impartiality, and integrity of the judiciary.

FY23 was a busy and productive year and listed below are a few of the Commission's accomplishments.

We worked with the legislature to have language stricken from our statute which unconstitutionally expanded the Commission's jurisdiction. Special thanks to the legislators and legislative staff who were so kind to guide and assist us through the process.

We successfully lobbied for much needed additional appropriations to assist the Commission with staff retention and to begin bridging the gap that exists in judicial employee salaries.

Supreme Court Justice Julie Vargas and I presented at Judicial Conclave to update the judiciary on the Commission's procedural rules. I presented to new magistrate and municipal judges on the Code and I look forward to continuing our educational opportunities in FY24.

The Commission formed a Rules Committee which met over several months to review, update, and amend the Commission's procedural rules which will be completed in FY24.

Thank you to the Commissioners and Commission Staff for their hard work this year and we look forward to a busy and productive FY24.

Phyllis A. Dominguez
Executive Director
General Counsel

COMMISSIONER TERMS & POSITIONS

As set forth in Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated Sections 34-10-1 through -4, the Judicial Standards Commission is composed of thirteen (13) members: seven (7) public members appointed by the Governor; two (2) attorneys appointed by the Board of State Bar Commissioners; two (2) justices or judges of the Supreme Court, Court of Appeals, or District Courts appointed by the Supreme Court; one (1) magistrate judge appointed by the Supreme Court; and one (1) municipal judge appointed by the Supreme Court.

Public members of the Commission are appointed to staggered five-year terms, while the attorney and judicial members are only appointed to staggered four-year terms. Commissioners are not paid a salary but may receive *per diem* and reimbursement for expenses as provided by law.

Pursuant to NMSA §34-10-1(A), no more than three of the seven member positions appointed by the Governor may be occupied by persons of the same political party. For transparency, party affiliations of these members are noted below.

STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2023

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

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Statutory Term</u>
1	Kevin R. Dixon, Ph.D. (R)	Governor	07/01/19-06/30/24
2	William E. Foote, Ph.D. (D)	Governor	07/01/20-06/30/25
3	Robert J. Radosevich (R)	Governor	07/01/21-06/30/26
4	Twillia C. Thomason (I)	Governor	07/01/17-06/30/22
5	Joyce Bustos (D)	Governor	07/01/18-06/30/23
6	Nancy R. Long, Esq.	State Bar	07/01/22-06/30/26
7	Mark Filosa, Esq.	State Bar	07/01/20-06/30/24
8	Hon. Cheryl H. Johnston	Supreme Court	07/01/23-06/30/27
9	Vacant	Supreme Court	07/01/22-06/30/25
10	Roberta Jean Kamm (I)	Governor	07/01/19-06/30/24
11	Hon. Mickie L. Vega	Supreme Court	07/01/23-06/30/27
12	Kristin D. Muniz (D)	Governor	07/01/18-06/30/23
13	Hon. David Overstreet	Supreme Court	07/01/21-06/30/25

Commission Members

COMMISSION MEMBERS AS OF JUNE 30, 2023



JOYCE BUSTOS was appointed to the Commission by the Governor in April 2011, and subsequently reappointed twice. Having been elected by her fellow Commissioners each year since 2012 to serve 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.



KEVIN R. DIXON, Ph.D. was appointed to the Commission in January 2019 by the Governor. Dr. Dixon served previously on the Commission from July 2010 to March 2011, also by gubernatorial appointment. He is a Director at Sandia National Laboratories in Albuquerque and received his doctorate degree in Electrical & Computer Engineering from the Carnegie Mellon University.



MARK A. FILOSA, ESQ. was appointed to a second term on the Commission by the State Bar in July 2020, and previously served on the Commission from July 1, 2002 to June 30, 2006. Mr. Filosa has been practicing law since 1983. He was raised and educated in Chicago and came to New Mexico thereafter. He has great pride that he has practiced his entire career as a general practitioner in the small town of Truth or Consequences, New Mexico. Mr. Filosa has been heavily involved in State Bar activities, having served as Board of Bar Commissioner, a member of the Judicial Performance Evaluation Commission, and as president of his local bar association. Mr. Filosa received his bachelor's degree in journalism from Southern Illinois University, and while going to law school at night, he worked for a group of trade publications in Chicago. Mr. Filosa is married to Ann and has four children and six grandchildren.



WILLIAM E. FOOTE, Ph.D. was appointed to the Commission in August 2019 by the Governor. Dr. Foote has been a forensic psychologist in private practice in Albuquerque, New Mexico since 1979. He has taught in the University of New Mexico Department of Psychology, Department of Psychiatry and the UNM School of Law. He has held a number of professional offices including the President of the New Mexico Psychological Association, Representative on APA Council, member and chair of the APA Committee on Legal Issues, member and chair of the APA Committee on Professional Practice and Standards, President of Division 31, President of the American Psychology Law Society (Division 41), and President of the American Board of Forensic Psychology. He is the author

of many peer reviewed professional articles and book chapters, and is the co-author, with Jane Goodman-Delahunty of two books on psychological evaluation in sexual harassment and employment discrimination cases. His third book with Dr. Goodman-Delahunty, *Understanding Sexual Harassment: Evidence-Based Forensic Practice* (in press), is a second edition of the award winning 2005 APA Press sexual harassment volume. Dr. Foote enjoys singing first tenor in the acapella men's group DeProfundis, playing guitar and mandolin, traveling, hiking and fly fishing.



HON. CHERYL H. JOHNSTON was appointed to the Commission by the New Mexico Supreme Court in July 2019. Judge Johnston is a family court Judge in the Thirteenth Judicial District Court, Division VIII in Sandoval, Cibola and Valencia Counties. She received her Bachelor of Arts from Rice University in 1977 and graduated with her Juris Doctor from University of New Mexico School of Law in 1981. Judge Johnston is a member of the National Council of Juvenile and Family Court Judges. Most of her professional legal career was serving as a Deputy District Attorney in the Second Judicial District, as well as at the Thirteenth Judicial District prosecuting Violent Crimes, Sex Crimes and Juvenile Crimes. She was an Assistant Attorney General in the Special Prosecutions Unit with the New Mexico Attorney General's Office. She was a long-time member and past Chairman of the Prosecutors Section for the New Mexico State Bar and was appointed as a member of the New Mexico Supreme Court Disciplinary Board. Judge Johnston was also a Senior Attorney Instructor with the Center for International Legal Studies in St. Petersburg, Russia in 2012 and has been a mentor with the Bridge the Gap Program. She currently resides in Corrales with her husband Stanley Johnston Jr., a retired Colonel (NMARNG).



ROBERTA JEAN KAMM was appointed to the Commission by the Governor in July 2019. She is a native of Raton, New Mexico. She has been married for 20 years to Terry Kamm, Esq., who practices locally and will retire on December 31, 2021. The Kamms have five grown children. Ms. Kamm has worked in the insurance industry since 1978 and holds a Certified Insurance Counselor (CIC) designation. She currently manages both Arthur Insurance Agency offices located in Raton and AngelFire.



NANCY R. LONG, ESQ. was appointed to the Commission by the New Mexico Board of Bar Commissioners in 2018. A graduate of the University of New Mexico School of Law, she is a shareholder with Long, Komer & Associates in Santa Fe. Nancy's practice is comprised of general counsel representation for public and private clients and representation of clients in complex commercial cases including multi-jurisdictional class action and anti-trust litigation, and representation of clients in state courts throughout New Mexico and in federal court. A significant portion of Nancy's practice is also transactional and includes real estate related matters. Nancy's litigation practice has resulted in significant and often cited precedent in the areas of civil rights and land use law, among others. For many years, Nancy has been AV rated by Martindale Hubbell, the highest rating given for legal ability and ethics. She is also a board member for Century Bank in Santa Fe, serves as a volunteer with Santa Fe County's Teen Court program and has previously served many civic and non-profit organizations as a volunteer or board member.



KRISTIN MUNIZ was born in Albuquerque and raised in Rio Rancho, NM. She went to Menaul School but transferred to Rio Rancho High School and graduated class of 2000. Mrs. Muniz earned an Associates in Criminal Justice in 2010 from Central New Mexico Community College, a Bachelor's of Science in Criminal justice in 2013 from National American University and continued her education by receiving a Masters in Public Administration in 2015 from University of Phoenix. Ms. Muniz also earned a Masters in Social Work in 2018 from New Mexico Highlands University. Ms. Muniz works as a full-time therapist specializing in addictions and trauma in both Espanola and Rio Rancho, NM. She has been married to her husband Jonathan, also a Social Worker, for 6 years. Together they have 6 children ages 12-22.



HON. DAVID OVERSTREET was appointed to the Commission by the NM Supreme Court in February 2023. Judge Overstreet serves as the municipal court judge in his hometown, Alamogordo, NM. In addition to having an active law license and operating a martial arts academy with his wife, Beth, Juge Overstreet teaches criminal justice and paralegal studies courses at New Mexico State University-Alamogordo.



ROBERT J. RADOSEVICH was appointed to the Commission by the Governor in March 2022. He is a lifelong resident of New Mexico graduating from Del Norte High School in Albuquerque. He enlisted in the US Army and served overseas for three years receiving an honorable discharge. He served the citizens of Bernalillo County for 20 years retiring as a Sergeant overseeing the District Court Security Division. He was elected to the Rio Rancho City Council serving from 2002-2006. He returned to serve the citizens of Albuquerque for an additional 18 years in the Auto Theft Division. He has been married to his wife Roberta for 22 years, living in Rio Rancho.



TWILLA C. THOMASON was appointed to the Commission by the Governor in August 2019. Ms. Thomason grew up in Hobbs, New Mexico and graduated from Hobbs High School. She received a Bachelor of Science degree in Agricultural Economics/Agricultural Business from New Mexico State University in 2000, and a Master of Science degree in Agricultural, Environmental and Regional Economics, specializing in Consumer Behavior from the Pennsylvania State University in 2002. She has worked for Western Commerce Bank in the Trust Division for 16 years, and as Trust Officer/Vice President overseeing the department for 9 years.



MICKIE L. VEGA was appointed to the Commission by the New Mexico Supreme Court in February 2023. Judge Vega has served as a Magistrate Judge for Lincoln County in Division 1, Carrizozo, since 2014. She received her Bachelors degree with emphasis in Criminal Justice and Psychology, and her Associate of Arts degree, Paralegal studies from Eastern New Mexico University. She began her career with the Judiciary in 2001, working for the 12th Judicial District Court in various positions to include Judicial Specialist, Court Monitor, TCAA, and Court Manager. Judge Vega is a member of the State Bar of New Mexico, Paralegal division since 2011. Judge Vega has served on several committees throughout her terms in office to include Code of Professional Conduct, Judicial Information System Counsel (JIFFY/JTEC), Courts of Limited Jurisdiction Rules Committee, and the Civil Rules Committee; currently she serves as the Vice-Chair for the forms committee. Judge Vega presides over the innovative pre-adjudication Drug Court for the 12th Judicial District for first time felony drug offenders.

CHAIRS OF THE COMMISSION

WILLIAM E. FOOTE, Ph.D., August 2022-Present

JOYCE BUSTOS, February 2012–August 2022

LARRY TACKMAN, April 2011–February 2012

DAVID S. SMOAK, August 2004–March 2011

HON. DAN SOSA, JR. , October 2003–August 2004

DOUGLAS W. TURNER, July 2001–March 2003

BARBARA A. GANDY, August 1999–June 2001

DOUGLAS W. TURNER, April 1997–August 1999

ELEANOR SELIGMAN, February 1996–April 1997

DONALD PERKINS, August 1994–February 1996

FRED HARRIS, July 1992–August 1994

PEGGY C. TRAVER, September 1991–June 1992

HUBERT QUINTANA, July 1989–September 1991

HARRY THOMAS, June 1985–July 1989

JUNE O. KELLER, December 1984–June 1985

ALBERT N. JOHNSON, August 1983–December 1984

ELOY A. DURAN, September 1982–August 1983

SUSAN S. DIXON, July 1981–September 1982

LUCY M. SALAZAR, August 1980–July 1981

LOIS CHAPMAN, July 1979–August 1980

LUCY M. SALAZAR, August 1977–July 1979

DORIS WAKELAND, July 1975–August 1977

RICHARD VANN, June 1974–June 1975

LUCY M. SALAZAR, October 1972–June 1974

MORRIS E. H. BINGHAM, June 1970–October 1972

BOYD WEST, November 1969–June 1970

LUTHER A. SIZEMORE, July 1968–November 1969

EXECUTIVE DIRECTORS

PHYLLIS A. DOMINGUEZ, ESQ.
January 1, 2022–Present

RANDALL D. ROYBAL, ESQ.
August 2009–December 2021

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

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

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

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

ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

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

The Commission's jurisdiction extends over complaints made against all justices and judges within the Judicial Branch of New Mexico State Government including the Supreme Court, Court of Appeals, district courts, metropolitan court, magistrate courts, municipal courts and probate courts.

By law, the Commission has no jurisdiction over special commissioners, hearing officers, or other non-elected employees who are not justices or judges, pursuant to Article VI, Section 32 of the New Mexico Constitution. Furthermore, no jurisdiction exists for the Commission to review complaints against federal judges or magistrates; or New Mexico Executive Branch hearing officers and judges.

During its FY 2019 General Session, the state legislature passed an amendment to the Commission's enabling statutes (effective January 1, 2020) that broadened the Commission's jurisdiction to include "court appointed commissioners, hearing officers and administrative law judges while acting in a judicial capacity." However, the Commission's jurisdiction may only be expanded by a constitutional amendment and the Legislature repealed the unconstitutional statutory amendment during the 2023 legislative session.

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 (i.e., persons other than the subject judge or the Commission).

The New Mexico Supreme Court’s files and hearings are accessible to the public unless sealed by the Court pursuant to the rules and orders of the Court. *See*, NMRA 27-104. A complainant’s name and complaint may eventually be disclosed to the judge who is the subject of the complaint, as outlined in the Commission’s procedural rules. 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 assigned to a case, cannot change a judge’s decision or order on any matter, cannot intervene in a case on behalf of a party, and cannot otherwise affect an ongoing court case or appeal. The filing of a disciplinary 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, as may the Commission’s Executive Director/General Counsel. 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, or by going to the Commission’s website www.nmjsc.org. When a complaint is received, the Executive Director reviews the complaint to determine if it falls within the Commission’s jurisdiction. After determining that jurisdiction exists, Commission staff conducts a confidential initial investigation and files a report on the initial investigation with the Commission.

Judges are **not** notified of unsubstantiated complaints, or complaints that are beyond the Commission’s jurisdiction or are appellate in nature. Staff investigates and gathers documents to be presented to the Commission, which may dismiss unsubstantiated and/or appellate allegations and/or entire complaints after review.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

If it is determined that a complaint, report or other information about the judge's conduct could reasonably constitute good cause for the Commission to act, the Executive Director and/or Commission staff will conduct a confidential investigation. If, after initial investigation, documentation, and review, the Commission finds insufficient grounds to proceed then it will close the case without further action. The complainant will be informed of the general disposition subject to confidentiality restrictions. A closure of the matter at this stage of the Commission's proceedings remains confidential.

Investigation. The Commission will investigate and review all complaints to determine whether the allegations can be substantiated by credible evidence, whether a disability exists that may interfere with judicial duties, whether the Code of Judicial Conduct was violated, and whether Commission action is necessary. The judge will be notified with a Notice of Investigation that sets forth the nature of the complaint. The judge must respond in writing to the Notice of Investigation. If the Commission, after review of the response, does **not** determine that the matter should be closed, the Commission will invite the judge to participate in a voluntary, informal, and confidential conference with the Commission. The Commission's investigative trial counsel assigned to the inquiry is required to provide the judge with initial disclosures when the invitation is sent. At the conference the judge may present the written response in person and offer additional information or explanation to the Commission. The Commission may ask questions or request further explanation from the judge to complete review and determine whether to dismiss, to propose an informal disposition, or to proceed to issue formal charges against the judge. A judge's decision not to participate in the informal conference will **not** be deemed a failure to cooperate by the judge.

Formal Proceedings. If at least seven (7) of the thirteen (13) 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. The judge's answer to the Notice of Formal Proceedings shall be in writing.

Upon filing and issuance of the Notice of Formal Proceedings, the Commission will set the matter for a hearing on the merits. The Commission may hear the case itself or appoint three judges as special masters to hear the matter, take evidence, and report their findings to the Commission which may accept, reject, or modify the masters' recommendation. The formal hearing is a closed hearing. The judge has the right 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 (7) Commissioners must agree on a determination of misconduct to recommend discipline, removal, or retirement of a judge to the New Mexico Supreme Court.

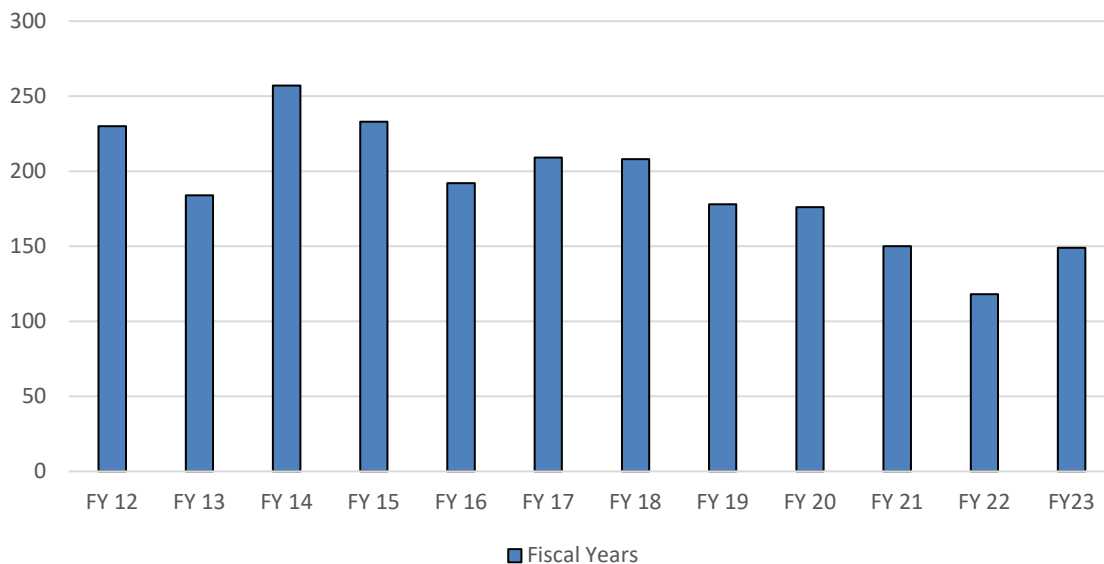
If the Commission determines at any time prior to the conclusion of the formal proceedings that there is insufficient evidence to support allegations against the judge, those allegations will be dismissed. If, after the conclusion of the formal proceedings, the Commission finds willful misconduct, it may dispose of the case with an informal disposition or recommend discipline, removal or retirement of a judge to the New Mexico Supreme Court.

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

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

**COMPLAINTS,
DISPOSITIONS & PERFORMANCE**
July 1, 2022–June 30, 2023

10 YEAR HISTORY OF WRITTEN COMPLAINTS



STATISTICS

COMPLAINTS RECEIVED

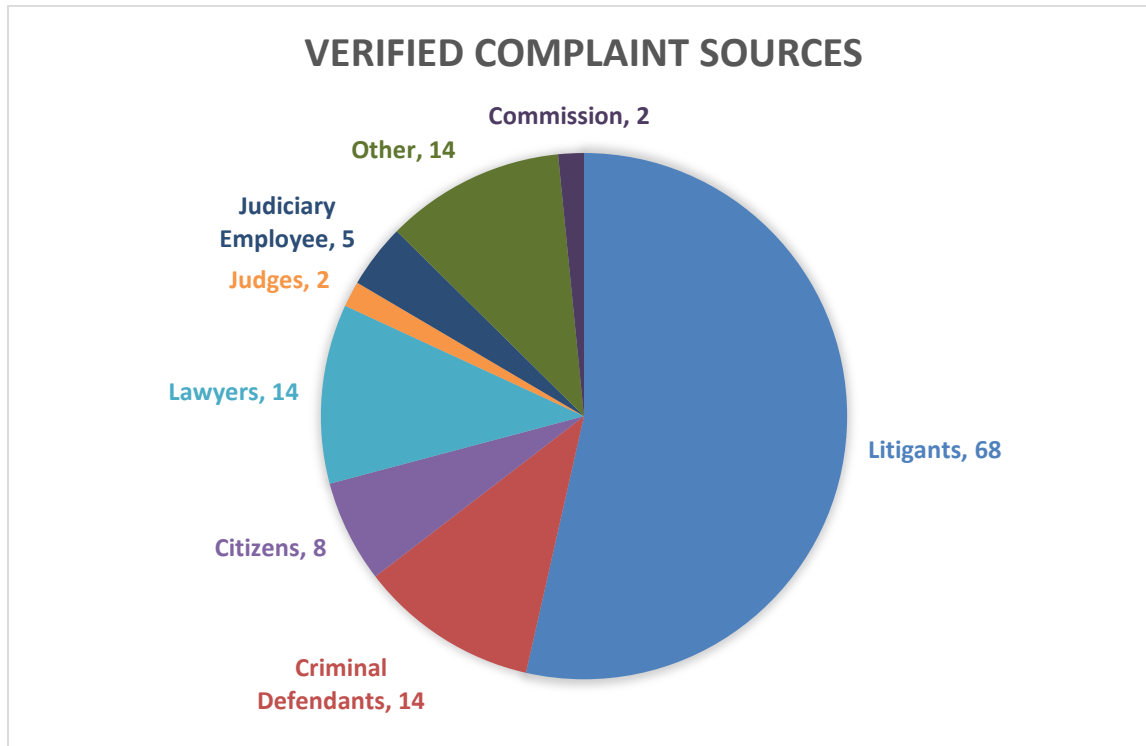
In FY 2023 the Commission received 149 written complaints, which is comprised of the following: 127 verified complaints (includes Commission and General Counsel complaints, and reopened inquiries) and 22 unverified complaints.

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

SOURCES OF VERIFIED COMPLAINTS

Of the 127 verified complaints filed with the Commission, the distribution of the sources of written, verified complaints was the following: 68 by litigants or their family/friends, 14 by criminal defendants or their family/friends, 8 by citizens, 14 by lawyers, 1 by prisoners, 5 by judiciary employees, 2 by judges, 2 by the Commission, 2 by law enforcement and 11 by others. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



SUBJECT JUDGES OF COMPLAINTS

JUDICIAL BRANCH	VERIFIED COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	0	0.00%
Court of Appeals	3	2%
District Court	76	60%
Metropolitan Court	6	5%
Magistrate Court	26	20%
Municipal Court	13	10%
Probate Court	2	2%
Not a Judge	1	1%

CASE DISPOSITIONS

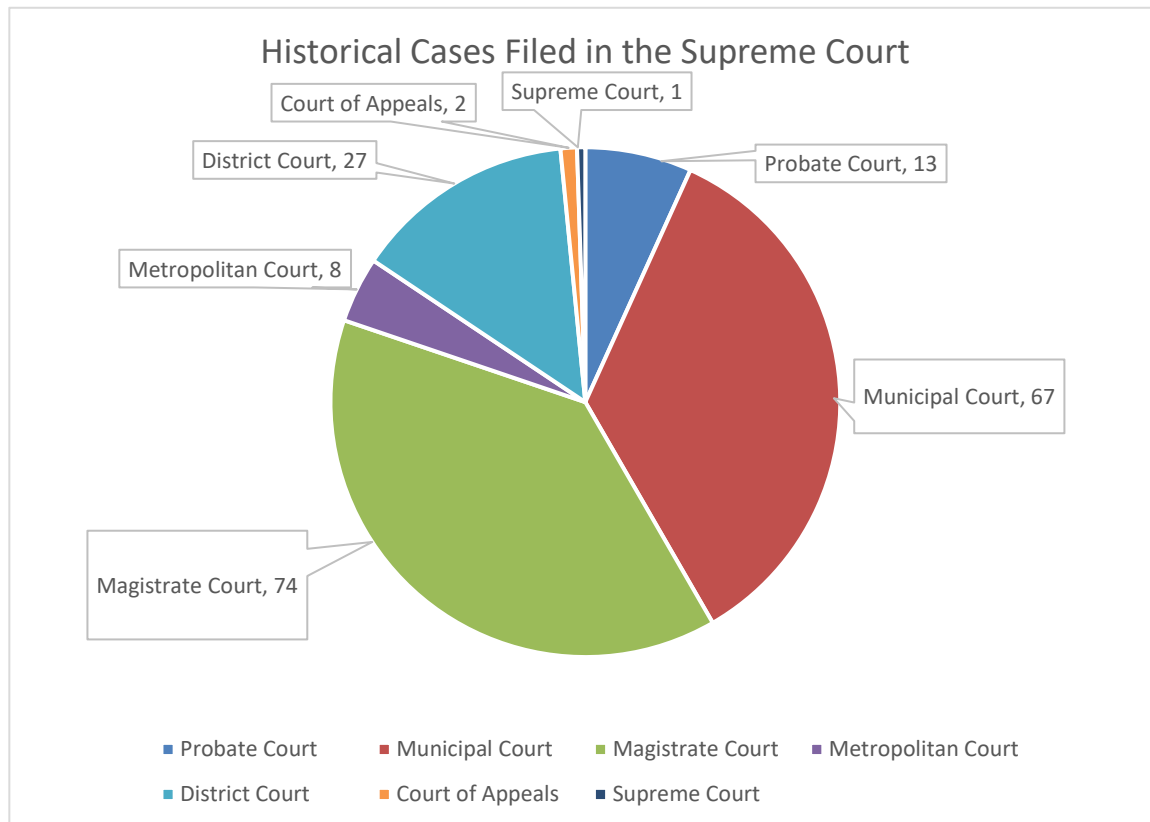
Inquiries Pending at Beginning of FY 2024 (July 1, 2023)	31
New Written/Verified Complaints and Inquiries in FY 2023	127
Inquiries Concluded in FY 2023	(124)
Inquiries Pending at End of FY 2023 (June 30, 2023)	34

Of the 124 inquiries concluded at the end of FY23, the Commission concluded 2 cases through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings). In FY 2023 the case dismissals were as follows: 47 cases dismissed as appellate, 9 cases dismissed because they concerned individuals beyond the Commission’s jurisdiction, and 59 cases dismissed as unsubstantiated. In 1 case, 1 judge was referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. Additionally, 1 case was disposed because the judge had resigned, died, or was not reelected; 3 complaints were dismissed after investigation and 2 informal advisory letters were issued.

HISTORICAL CASES FILED IN THE SUPREME COURT

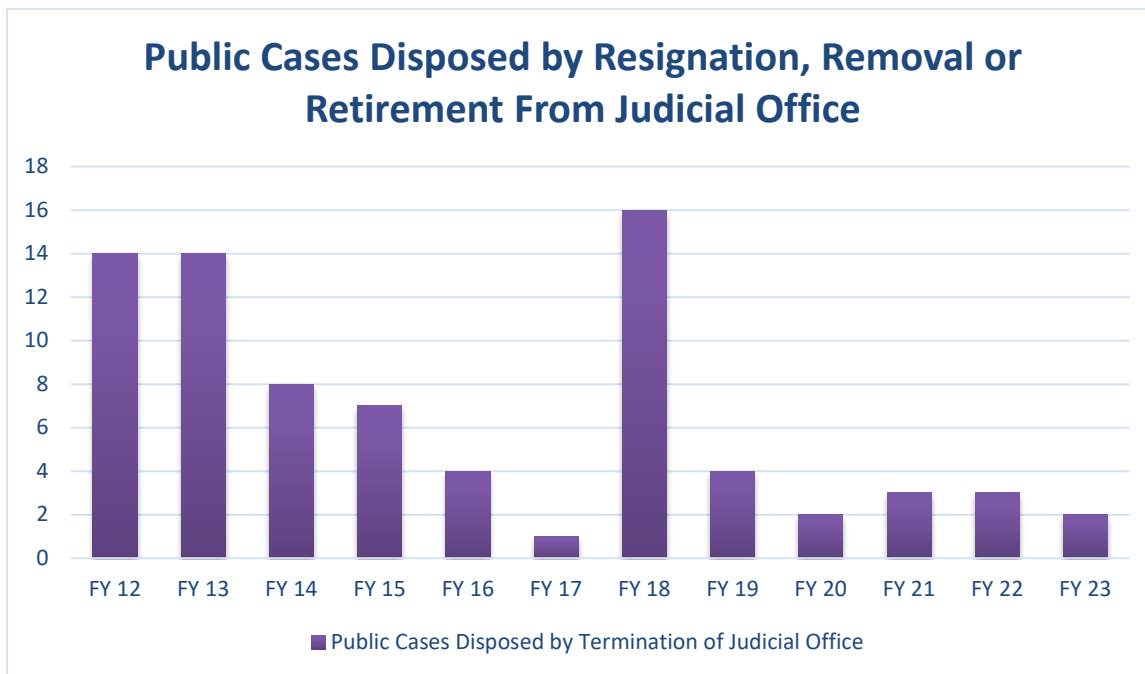
Since July 1, 1968, the Commission filed 195 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 138 judges. By their nature, these cases involve willful misconduct, persistent failure or inability to perform a judge’s duties, habitual intemperance, or disability seriously interfering with the performance of the judge’s duties thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the Supreme Court. 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 New Mexico Supreme Court.

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



PUBLIC CASES DISPOSED BY RESIGNATION, REMOVAL OR RETIREMENT FROM JUDICIAL OFFICE

In FY 2023, 1 case was disposed after resignation, removal or retirement from judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 235 cases concerning 110 judges after the respondent judges resigned, retired or were removed from judicial office. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission issued formal charges and then filed and requested action by the Supreme Court. Following is a ten-year history of cases disposed by resignation, removal or retirement.



HISTORICAL INFORMAL CASE DISPOSITIONS

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

Informal dispositions include issuing confidential advisory letters, referring the judge for mentorship, counseling or assistance, or entering into a confidential stipulation agreement concerning the conduct in question. Since its formation in 1968, the Commission has informally

disposed of 490 cases. The following tables illustrate the distribution of the informal cautionary or advisory letters, as well as mentorships. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY OR ADVISORY LETTERS (341 CASES)

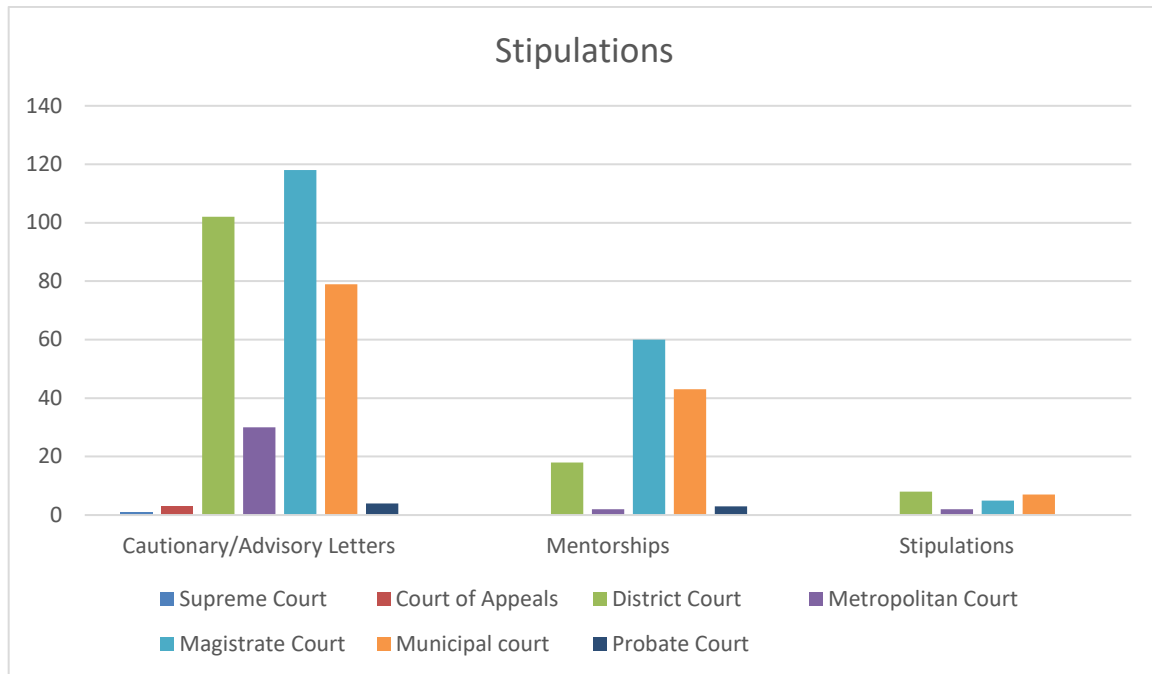
Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	1	< 1%
Court of Appeals	3	<1%
District Court	105	30%
Metropolitan Court	30	9%
Magistrate Court	119	35%
Municipal Court	79	23%
Probate Court	4	1%

MENTORSHIPS (126 CASES)

Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	19	15%
Metropolitan Court	2	2%
Magistrate Court	58	47%
Municipal Court	44	34%
Probate Court	3	2%

CONFIDENTIAL STIPULATIONS (22 CASES)

In addition to confidential advisory letters, and referrals to the mentorship program, the Commission may informally dispose of cases through confidential stipulations. These stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2023, 1 case was disposed through confidential stipulation. Historically, the Commission has disposed of 22 cases through such stipulations.



PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2022–JUNE 30, 2023

All of the Commission’s proceedings that resulted in either formal or informal dispositions during FY 2023 are summarized in this section. Formal cases are matters the Commission found to involve the most serious ethical issues under the New Mexico Code of Judicial Conduct, thereby warranting formal review and proceedings before the Commission and/or the New Mexico Supreme Court. Informal cases, although less serious in nature and scope, involve significant issues that the Commission addresses confidentially through advisory letters to the subject judges or by asking judges to complete training or the Commission’s



The referenced rules are available on our website under: Resources > Governing Provisions of Law.

mentorship program. Judicial Standards Commission petitions filed with the Supreme Court after conducting full evidentiary hearings (trials) are public record, but temporary suspension and other matters are required to be filed under seal in the Supreme Court. All Supreme Court hearings, docket sheets, and orders were available to the public, unless it was otherwise ordered by the

Court. The Supreme Court requires in Rule 27-104(B) NMRA that “[t]he contents, the fact of filing, and any other information about any request for temporary suspension, stipulated discipline, or interim relief shall remain confidential until the Court determines that confidentiality is no longer required and enters an unsealing order on its own initiative or grants a motion to unseal pursuant to Paragraph I of Rule 12-314 NMRA.” The Court further states in Rule 27-104(B) 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 2015 the Supreme Court adopted the most recent comprehensive amendments to the Code of Judicial Conduct that apply to all judges within the Commission’s jurisdiction. Violation of the rules set forth in the Code of Judicial Conduct is an important, but not exclusive, consideration for the Supreme Court when exercising its constitutional power for *de novo* review of judicial disciplinary matters.

FORMAL PROCEEDINGS

In FY 2023, the Commission conducted or initiated formal proceedings concerning 2 cases involving 2 judges either before the Commission or the New Mexico Supreme Court. Below are summaries of all formal, non-confidential proceedings filed and on public record with the Supreme Court with events occurring in and/or completed in FY 2023.

IN THE MATTER OF ROBERT W. IONTA
McKinley County Magistrate Court
JSC Inquiry No. 2021-091
Supreme Court Docket No. S-1-SC-39121

Judge Robert Ionta was suspended without pay per the Supreme Court's power of superintending control on December 15, 2021. The Commission filed a Notice of Formal Proceedings and a Petition for Immediate Temporary Suspension on January 12, 2022. Judge Ionta filed his response to the Notice of Formal Proceedings and the Petition for Immediate Temporary suspension on February 9, 2022. The Notice of Formal Proceedings contained the following charges:

1. On or about November 2, 2021, while in your chambers during regular work hours at the McKinley County Magistrate Court, you were watching, playing, streaming, and/or viewing pornographic material on an electronic device. The audio volume on the device was raised to a level high enough that anyone walking by your office could hear the audio of the pornographic material.
2. On or about November 15, 2021, during regular work hours at the McKinley County Magistrate Court and while participating in a Google Meet virtual meeting that included judicial employees and members of the public, you were watching, playing, streaming, and/or viewing pornographic material and had the audio volume on such that other participants in the meeting heard the pornographic material until a court clerk participating in the Google Meet meeting muted your microphone. The clerk that muted your microphone later advised you of the incident and let you know everyone could hear the pornographic material you were watching, playing, streaming, and/or viewing.
3. You failed to complete the new harassment, discrimination, and retaliation prevention training(s) required for all judges and judicial branch employees by the required October 31, 2021 deadline for completion. As of January 1, 2022, you still have failed to complete the required training.
4. On or about September 15, 2021, you had a firearm laying on top of your desk in your chambers at the McKinley County Magistrate Court. The firearm was pointing at your office door and was clearly visible to employees walking by or entering your chambers.
5. On or about September 15, 2021, the same day you had a firearm displayed in plain sight on your desk, you told a McKinley County Magistrate Court clerk words to the effect that you were "going to kill" a public defender who appeared before you that day.
6. You regularly failed to attend the McKinley County Magistrate Court the required forty (40) hours per week pursuant to Section 35-1-36.1 NMSA 1978, and the Supreme Court's Order No. 19-8500-002: *In the Matter of Revisions to Magistrate Court Policy Directives*.

7. You failed to comply with the New Mexico Supreme Court's Order No. 20-8500-025 on the *Safe and Effective Administration of the New Mexico Judiciary During the COVID-19 Public Health Emergency* issued on July 6, 2020 and put at risk the health and safety of McKinley County Magistrate Court staff when you:
 - A. Failed to wear a protective face covering at all times while on court premises, and
 - B. Told attorneys appearing before you for trial that they did not need to wear masks during the proceedings.
8. You disrupted the proper administration of justice by failing to cooperate with Eleventh Judicial District Court Chief Judge Curtis R. Gurley, McKinley County Magistrate Court Presiding Judge Cynthia Sanders and court staff when you, despite repeated requests, admonishments and directives from judges and staff, repeatedly violated the New Mexico Supreme Court's Order No. 20-8500-025 on the *Safe and Effective Administration of the New Mexico Judiciary During the COVID-19 Public Health Emergency* issued on July 6, 2020 regarding the use of masks in the courthouse.
9. On or about November 12, 2021 during an active fire alarm at or around 10:00 a.m., you failed to follow McKinley County Magistrate Court's evacuation procedure, went directly to your personal vehicle and left for the remainder of the day.
10. On or about November 12, 2021 during an active fire alarm, you left the McKinley County Magistrate Court in your personal vehicle and refused to return after the alarm ended approximately fifteen (15) minutes later. You had arraignments scheduled for 11:00 a.m., which you did not conduct. After you left the McKinley County Magistrate Court, you advised court staff that you would not return to court "because of an appointment." You failed to notify the presiding judge and/or court staff prior to leaving for the appointment and therefore failed to ensure coverage of your docket.
11. On or about May 5, 2021 on a Google Meet virtual meeting prior to the start of court proceedings, you were speaking to an African American female attorney from the Public Defender's Office about a firm for which you previously worked, and said that the firm had attempted to hire a "token" black attorney, but the firm could not find a black person that was an attorney, so instead they hired a "token" black secretary. Following your inappropriate racial comments and after Court, you called the public defender's office and demanded to speak to the female attorney. A supervisor from the Public Defender's Office intervened and took your call. You stated you wanted to speak with the female attorney about the story you told her because she may have "misinterpreted" it. You then threatened the supervisor if the female attorney did not come to the phone, that you "may have an issue presiding over her cases in the future." After multiple rebuffs from the supervisor, you ended the call without speaking to the female attorney.
12. On multiple occasions you threw case files on the floor after you worked on them, which was not the appropriate place for the case files, and which required the female clerks to pick

them up from the floor. It is further alleged that your conduct was demeaning and made at least one female clerk uncomfortable, because she did not want to pick up files from the floor in front of you if she was wearing a dress.

13. On or about November 8, 2021 – November 10, 2021, while serving as judge at the McKinley County Magistrate Court, you attended the New Mexico District Attorney Association fall conference, which was improper and/or which created an appearance of impropriety .
14. On or about October 27, 2021, you slept and/or appeared to be sleeping during a preliminary hearing in cause number M-35-FR-2021-00109. During the presentment of testimony, an assistant district attorney (ADA) raised an objection, but you failed to respond and appeared to be asleep. The ADA raised her voice, which finally caused you to react.
15. On or about the weekend of November 12-14, 2021, you were the assigned on-call judge, but traveled out-of-town and you were not available to perform your duties as the on-call judge, despite knowing you were the on-call judge for that weekend. As a result of your failure to perform your on-call judicial duties, an arrest warrant could not be signed, and was filed with the McKinley County Magistrate Court stating the on-call judge was not available.
16. On or about June 24, 2021 in State v. Stephenson (Case No. M-35-DR-2020-00164) following the trial, you instructed a female Deputy District Attorney to come to your chambers. Shortly after inviting the attorney to your chambers and against McKinley County Magistrate Court protocols, you escorted her into the secured clerks' area, which is only accessible to judges and court staff. You and the attorney left the McKinley County Magistrate Court through the secured private entrance and left in your private vehicle in view of the criminal defendant and his attorneys.
17. You failed to cooperate with Eleventh Judicial District Court Chief Judge Curtis R. Gurley and failed to be patient, dignified and courteous when you:
 - a. Left the McKinley County Magistrate Courthouse at 10:00 am on Thursday September 23, 2021 and did not return to the courthouse that day, after you were specifically directed by Chief Judge Gurley on September 22, 2021 to be at the McKinley County Courthouse for forty (40) hours per week.
 - b. Argued with Chief Judge Gurley after being directed to work forty (40) hours per week, that you did not believe you were required to be at the McKinley County Courthouse for forty(40)hours per week.
18. On or about August 20, 2021 you failed to remain patient, dignified and courteous during and after your 9:30 arraignments held via Google Meets. During the case of State v. Blackshear (Case No. M-35-VM-2021-00177) you told the Defendant words to the effect, "I don't know where the hell your attorney is at," when you noticed Mr. Blackshear's attorney was not present. While discussing how to handle the Defendant's case with your court clerk, the Defendant requested to be released on his own recognizance. You replied that you would not release the Defendant on his own recognizance, and you told the Defendant to

“Shut up,” and get off the googlemeets hearing. Following the hearing you went into Courtroom four (4) and told the clerks words to the effect, “that’s your typical habitual asshole,” which referred to the Defendant, Mr. Blackshear.

19. On or about May 28, 2021 you failed to remain patient, dignified and courteous during arraignments. In *State v. Lindbloom* (Case Nos. M-35-VF-2021-00033 and M-35-VF-2021-00034), you instructed McKinley County Sheriff’s officers to escort the Defendant back into the courtroom after the Defendant stated that he did not want to be at the hearing and attempted to leave. The Defendant was being unruly, interrupting the court and attorneys, and you told the officers to gag him. Mr. Lindbloom was not gagged; however, his microphone was placed on mute except when he was expected to speak.
20. You failed to perform your judicial duties competently and/ or diligently when you repeatedly failed to correctly issue valid warrants in the following matters:
 - a. *State v. Tapia*, Case No. M-35-FR-2021-00524 - Failed to sign the Affidavit for Arrest Warrant
 - b. *State v. Analla*, Case No. M-35-FR-2021-00551 - While you were the on-call judge receiving weekend and afterhours calls to sign warrants and perform other afterhours judicial duties, you left the City of Gallup and were not available to perform your duties. You failed to notify the presiding judge that you were leaving Gallup and failed to ensure a replacement judge was available to cover your on-call duties. As a result, you failed to sign the above-mentioned arrest warrant.
 - c. *State v. Arellanes*, Case No. M-35-FR-2021-00509 - You signed an arrest warrant without swearing the officer in and failed to ensure that the paperwork you signed was correct then left the courthouse at or around 2:30 pm for the day. You signed the wrong paperwork which required the police officer to leave the court to get clean copies of the arrest warrant so that Presiding Judge Cynthia Sanders could sign the correct paperwork and issue the arrest warrant due to your unavailability.

Judge Ionta and the Commission entered into a stipulation whereby Judge Ionta agreed to permanently resign and never seek judicial office in the State of New Mexico again. The Commission petitioned the Supreme court to accept the stipulation and on July 22, 2022 the Supreme Court entered an Order accepting the Petition, granting the stipulated discipline and ordered the matter be unsealed on August 1, 2022.

IN THE MATTER OF MARY W. ROSNER
Third Judicial District Court
JSC Inquiry No. 2021-015
Supreme Court Docket No. S-1-SC-39193

The Commission issued a Notice of Investigation (“NOI”) to Judge Mary Rosner on April 23, 2021. Pursuant to Commission Rule 19 NMRA and following the Commission’s receipt and review of Judge Rosner’s written response to the NOI, the Commission invited Judge Rosner to participate in

an informal confidential conference with the Commission. The Conference afforded Judge Rosner an opportunity to discuss her response to the NOI and provided the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Rosner's written and oral responses, the Commission issued a Notice of Formal Proceedings on August 13, 2021. Judge Rosner, prior to filing a response to the Notice of Formal Proceedings, entered into a Stipulation Agreement and Consent to Discipline with the Commission on January 24, 2022. Judge Rosner agreed to receive a Public Censure and attend the Judicial Education Course entitled "Ethics and Judging: Reaching Higher Ground." Judge Rosner admitted that she engaged in following acts and that the facts alleged in the Notice of Formal Proceedings taken individually and/or together may constitute willful misconduct in office. The Notice of Formal Proceedings contained the following charges:

1. On or about February 15, 2021, in Cause No. D-307-DM-2014-00786, Judge Rosner issued the *Order Denying Respondent's Motion to Recuse for Cause and Order Denying Respondent's Motion to Remove Parenting Coordinator and Revoke Parenting Coordinator's Quasi-Judicial Immunity* (hereinafter "February Order", which is attached as **Exhibit A**). In Paragraph 17 of the February Order, Judge Rosner inappropriately responded to and/or attacked one of the attorneys in the case, Anna Farrell, and her client. The Language she used in paragraph 17 was a direct response to a *Las Cruces Sun-News* article that you thought was written by and/or because of attorney Anna Farrell. (*Las Cruces Sun-News Article* attached as **Exhibit B**). Judge Rosner used Paragraph 17 of the February Order to attack Attorney Anna Farrell's credibility and reputation, as well as her client's who was the Respondent/Father in the case.
2. In Paragraph 17 of the *Order Denying Respondent's Motion to Recuse for Cause and Order Denying Respondent's Motion to Remove Parenting Coordinator and Revoke Parenting Coordinator's Quasi-Judicial Immunity* ("February Order") in Cause No. D-307-DM-2014-00786, Judge Rosner inappropriately discussed the conclusions of a sealed doctor's report, despite acknowledging in the February Order itself that the report was sealed. Judge Rosner's use of the sealed doctor's report in Paragraph 17 had no material or substantive effect on the holding in her February Order, but instead was primarily used to attack Ms. Farrell, her client who was the Respondent/Father in the case, and the *Las Cruces Sun-News* article.
3. Judge Rosner failed to recuse from Cause No. D-307-DM-2014-00786, when she knew or should have known that she could no longer be fair and impartial following the publication of the *Las Cruces Sun-News* article and her belief that the article was written by attorney Anna Farrell, who represented the Respondent/Father in the case.

Oral argument was held before the Supreme Court on July 12, 2022 on the Stipulation Agreement and Consent to Discipline. The Court granted the stipulation in part and denied to the extent that the Court did not accept the public censure as proposed. The Supreme Court entered a final Order granting the stipulated discipline and ordering the matter unsealed on January 11, 2023. The Supreme Court published its censure in the Bar Bulletin on January 30, 2023. The censure may be found in its entirety on the Commission's website at www.nmjsc.org.

INFORMAL DISPOSITIONS

ADVISORY LETTERS. The Commission may dispose of a matter by confidentially advising a judge (without making any finding of wrongdoing) that the judge's alleged conduct may violate the Code of Judicial Conduct. Such dispositions are not discipline; instead, they notify the judge of a possible issue and suggestions for change and prevention. In FY 2023, the Commission issued Advisory Letters concerning 2 cases to 2 judges who were alleged to have done the following:

A judge allegedly made inappropriate comments to the media. The judge was advised to exercise caution when addressing the media regarding court matters and to carefully evaluate statements to ensure that public comments uphold the independence, integrity and impartiality of the judiciary, avoid improprieties and the appearance of impropriety and abide by the Code of Judicial Conduct.

A judge allegedly failed to provide an interpreter to a non-English speaking litigant. The judge was advised to abide by court rules which require judges to provide litigants with interpretation and/or translation services when requested, to seek advisory opinions for guidance and to abide by the Code of Judicial Conduct.

MENTORSHIPS. The Commission may dispose of a matter by confidentially asking a judge (without making any finding of wrongdoing) to participate in a confidential mentorship to address and remedy the judge's alleged conduct which may violate the Code of Judicial Conduct. Such dispositions are not discipline; instead, they notify and provide the judge with the opportunity to make changes and prevent recurrence. In FY 2023 there was 1 case concerning 1 judge who was alleged to have done the following:

A judge allegedly engaged in inappropriate email correspondence with an attorney to solicit information regarding a confidential case pending before the Commission and solicited substantive information from the attorney regarding a case not properly before the court. The judge successfully completed an informal mentorship which addressed the concerns.

PUBLISHED DISCIPLINARY CASES

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

OTHER STATE CASES REGARDING COMMISSION MATTERS

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

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

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

OTHER STATE CASES REFERENCING THE COMMISSION

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

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

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

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

Concha v. Sanchez, 2011-NMSC-031, 150 N.M. 268, 258 P.3d 106

EXPENDITURES & COST REIMBURSEMENT

As an independent agency of the State of New Mexico, the Judicial Standards Commission is funded by general fund appropriations each year by the Legislature. **The Commission is not included in the Judiciary's Unified Budget.** At the end of each fiscal year, unencumbered/unspent funds revert to the State's general fund.

For FY 2023, the State Legislature appropriated \$979,400.00 to the Commission from the general fund for salary and benefits, operations, investigation, and prosecution of judicial misconduct. The FY 2023 Commission expenditures totaled \$965,982.00 from the General Fund. A summary (by category) of the expenditures is provided below.

FY 2023 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$572,644.00	59.3%
Annual Leave Paid at Separation	\$23,087.00	2.4%
Employee Benefits & Taxes	\$214,606.00	22.2%
Employee/Board Training & Licensing	\$6,503.00	0.7%
Commission Travel	\$1,396.00	0.1%
Investigation & Prosecution Expenses	\$1,037.00	0.1%
Contractual Services	\$23,216.00	2.4%
Rent, Telecom, IT & Overhead	\$115,538.00	12.00%
Equipment, Supplies & Postage	\$7,955.00	0.8%
TOTAL	\$965,982.00	100.0%

FINES AND COST REIMBURSEMENT DISTINGUISHED

The Supreme Court may impose fines against judges *sua sponte* or upon recommendation by the Commission. Fines are paid to the State of New Mexico and deposited with the Supreme Court. Fines typically are deposited in the general fund, unless otherwise ordered by the Supreme Court. Costs may be assessed by Supreme Court order (JSC stopped requesting reimbursement per FY 2019 rule change), or may be reimbursed on stipulation agreement with the respondent judge. Costs are paid to the State of New Mexico and deposited into the Commission's funds.

OUTSTANDING DEBTS OWED TO THE COMMISSION

In FY 2008, removed Bernalillo County Metropolitan Court Judge J. Wayne Griego was ordered by the Supreme Court to reimburse the Commission \$6,704.41 in costs. *Matter of Griego*, 2008- NMSC-020, 143 N.M. 698, 181 P.3d 690. With annual interest (\$536.35) accrued, the total amount still due from Mr. Griego is \$14,749.66. He has failed to make any payments to the Commission, and his debt to the State of New Mexico remains outstanding.

The Commission by law cannot write off debt, even if it is determined not to be collectable.

FY 2023 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2023 Final Approved Budget	\$ 979,400.00	
Total FY 2023 General Fund Expenditures		\$ (965,982.00)
FY 2023 General Fund Appropriations Reverted		\$ (13,417.00)
Total Expenditures and Reversion		\$ (979,400.00)

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FINAL APPROVED BUDGET	Expenditures	Reversion from General Fund	Reversion from Cost Reimbursements	General Fund Reversion as % of Funding
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,845.50	0.00	0.332%
2016	853,745.38	847,909.21	5,836.17	0.00	0.684%
2017	818,300.00	817,472.41	827.59	0.00	0.101%
2018	818,300.00	817,270.00	1,030.00	1,899.00	0.126%
2019	849,500.00	838,028.21	11,471.79	994.83	1.350%
2020	897,700.00	889,941.48	7,758.52	0.00	0.871%
2021	879,200.00	874,046.53	5,153.47	0.00	0.586%
2022	895,600.00	877,740.30	17,859.70	0.00	1.99%
2023	979,400.00	965,982.00	13,417.50	0.00	1.37%