



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION
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2013 ANNUAL REPORT





FY 2013 ANNUAL REPORT

COMMISSIONERS

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode

Norman L. Gagne, Esq.

Hon. Buddy J. Hall

Hon. Steven Lee

Hon. Nan G. Nash

Beth Paiz

Hon. Jerry H. Ritter, Jr.

Norman S. Thayer, Esq.

Darla Wax

STAFF

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

Phyllis A. Dominguez, Esq.
Investigative Trial Counsel

Deborah Borio, Esq.
Investigative Trial Counsel

Evonne Sanchez
Paralegal

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Clerk of the Commission & Paralegal

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JUDICIAL STANDARDS COMMISSION



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JOYCE BUSTOS
CHAIR

MALINDA WILLIAMS
VICE-CHAIR

JOHN BODE
NORMAN L. GAGNE, ESQ.
HON. BUDDY J. HALL
HON. STEPHEN LEE
HON. NAN G. NASH
BETH PAIZ
HON. JERRY H. RITTER, JR.
NORMAN S. THAYER, ESQ.
DARLA WAX

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

PHYLLIS A. DOMINGUEZ, ESQ.
INVESTIGATIVE TRIAL COUNSEL

DEBORAH BORIO, ESQ.
INVESTIGATIVE TRIAL COUNSEL

November 21, 2013

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

Ladies and Gentlemen:

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

Of major significance, the electorate approved an amendment to the state constitution in the general election changing the membership of the Commission. Two positions were added with terms beginning July 1, 2013: one for a municipal judge and one for an additional public member. Additionally in FY 2013, we welcomed the appointment of a new public member and an attorney member, and the reappointment of a public member. The Commission also welcomed a new attorney to the staff. 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 2014.

The Commission's Executive Director, Randy Roybal, and his staff have continued to provide a high level of support to the Commission. The Commission was pleased that in recognition for his accomplishments and this Commission's good work, Mr. Roybal was elected to a third term as president and to a third three-year term on the board of directors of the Association of Judicial Disciplinary Counsel. The dedication and integrity of the entire Commission staff have made it a pleasure and an honor to serve on this Commission.

Sincerely yours,

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

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, pursuant to a constitutional amendment enacted during FY 2013 and effective in FY 2014. Seven members are public citizens 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, 2013

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

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

Outgoing Members in FY 2013: Alfonso “Al” Solis, August 2012

Incoming Members in FY 2013: John Bode, December 2012

COMMISSIONERS & STAFF



COMMISSION MEMBERS

AS OF JUNE 30, 2013

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. She also stays busy raising her two teenage daughters and helping

her husband with his real estate business.



MICHAEL M. CASTRO was appointed to the Commission by Governor Susana Martinez in March 2011 and served until October 2013. He is a former Deputy Chief of Police for the Albuquerque Police Department. He served in the department for 26 years before retiring in 2010. He is a founder and partner of Roadrunner Child Development, a non-profit child development center servicing economically challenged families. He is also the owner of Shepherd's Properties, a real estate investment and management company. Mr. Castro remains on contract with the City of Albuquerque performing as the Project Manager for the Albuquerque Regional PPC and 3-Gun Tournament, as well the National Rifle Association National Police Shooting Championships. Mr. Castro served in the United States Naval Reserve and was activated following September 11 to serve in Operation Enduring Freedom. He earned

his bachelor's degree from the University of New Mexico and holds a master's degree in organizational management from the University of Phoenix. He is also a graduate of the Federal Bureau of Investigation's National Academy Class 226.



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 seventeen 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. His avid interest of late is a new grandson.

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.

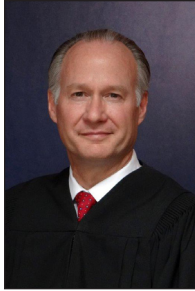


HON. NAN G. NASH was appointed to the Commission by the New Mexico Supreme Court in 2007. Judge Nash earned a bachelor of science degree in 1985 in environmental biology and public policy and a *juris doctor* degree in 1989 from Indiana University. She is a district judge and has served on the bench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



BETH PAIZ was appointed to the Commission by Governor Susana Martinez in February 2012 and reappointed in July 2012. She has been a life-long law enforcement officer. Prior to her retirement in May 2012, she was the highest ranking female officer of the Albuquerque Police Department as the Deputy Chief of Field Services. Beginning her career in 1994 as a patrol officer, Chief Paiz has worked her way through the ranks of the Albuquerque Police Department and her assignments have included White Collar Crime Unit, APD Spokesperson, Crimes Against Children Unit, Juvenile Section, Prisoner Transport Section, Valley Watch Commander, Northeast Area Commander and Deputy Chief of Investigations and Field Services. Chief Paiz earned a bachelor's degree from New Mexico State University in 1991. Currently, she is the Vice President of Mustang Construction, Inc. She is married with two children and lives in the South Valley of Albuquerque. She enjoys physical fitness, travel and supporting her children in their after school activities.





HON. JERRY H. RITTER, JR. was appointed to the Commission by the New Mexico Supreme Court in 2009. Judge Ritter has been a District Judge for the Twelfth Judicial District (Otero and Lincoln Counties) since 1997 and is serving a second term as chief judge for the district from 2010 to 2013. He is a graduate of New Mexico State University and the University of New Mexico School of Law. From 1987 to 1992, Judge Ritter practiced law in Alaska with a small firm and as general counsel to an Alaska Native Regional Corporation. Returning to New Mexico, he was in private practice until 1994 when he became an Assistant District Attorney for the Twelfth Judicial District. He serves on the New Mexico Sentencing Commission, the statewide Judiciary Budget Committee, other court committees, and presided over a juvenile drug court. He is active in his church as a youth leader and with the Boy Scouts of America. He is married with seven children.



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



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



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

ness, and fundraising and non-profit entrepreneurial efforts. She has been a presenter at state and national forums and conferences. She has co-developed models for best practices of engaging advocates from domestic violence agencies and child protective service caseworkers in joint responses to increase family safety. Ms. Williams continues to work on issues pertaining to social justice, coalition building, and community organizing to find solutions for ending domestic and sexual violence and child abuse.

CHAIRS OF THE COMMISSION

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, serves as Executive Director and General Counsel, and is the agency's Chief Financial Officer. In 2013 he was reelected to serve a third term as President of the Association of Judicial Disciplinary Counsel ("AJDC"), the association for judicial disciplinary agency directors, counsel, investigators, and staff throughout the United States and Canada. He was elected and served on the AJDC board of directors since 2007 and as Vice-President in 2009–2011. Mr. Roybal regularly speaks at local, regional, and national conferences and events concerning judicial ethics and discipline. Prior to joining the Commission, Mr. Roybal served as an assistant attorney general at the New Mexico

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



INVESTIGATIVE TRIAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ. joined the Commission staff in January 2012 and serves as Investigative Trial Counsel. She earned a bachelor of science degree in education in 1993 from the University of New Mexico, and a *juris doctor* degree in 2003 from the University of New Mexico School Law. Prior to joining the Commission she served as a prosecutor specializing in adult sexual assault cases and later as assistant supervisor in the Domestic Violence Division in the Second Judicial District Attorney's Office. Ms. Dominguez also served as prosecutor in the Thirteenth Judicial District. She briefly worked for the New Mexico Corrections Department and worked as a guardian ad litem with Advocacy, Inc. She served for five years on the Judicial Performance Evaluation Commission, was a member of the Sandoval County Bar Association, and currently serves on the Board of Directors for the Albuquerque Sexual Assault Nurse Examiner's (SANE) Collaborative.



INVESTIGATIVE TRIAL COUNSEL

DEBORAH BORIO, ESQ. joined the Commission staff in October 2012 and serves as Investigative Trial Counsel. Prior to joining the Commission, she served as a prosecutor in the Crimes Against Children and Metro Divisions at the Second Judicial District Attorney's Office. Ms. Borio also served as an Assistant City Attorney in the Litigation Division for the City of Albuquerque, defending police officers in civil suits alleging constitutional rights deprivation and related state tort claims. Ms. Borio earned a bachelor of arts degree in psychology and sociology from Huntingdon College in 1980, a master of education degree in counseling and personnel services from the University of Maryland—European Division in 1984, and a *juris doctor* degree from

the University of New Mexico School of Law in 2008. Before becoming an attorney, Ms. Borio served over 23 years in the United States Air Force as a Security Police/Security Forces officer and commanded several military police organizations.

PARALEGAL

EVONNE SANCHEZ joined the Commission staff in 2004 and serves as a Paralegal. She earned her paralegal certificate from the University of New Mexico in 1996 and has been an active member of the Paralegal Division of the State Bar of New Mexico since 2000. She is the immediate past chair for the State Bar of New Mexico Paralegal Division for 2013 and has served on the board of directors since January 2009. She is also the Albuquerque area coordinator for the Division’s Continuing Legal Education programs and chair of the committee for statewide CLE programs. Ms. Sanchez also serves on the State Bar of New Mexico Board of Bar Commissioners, is a member of the Awards Committee for the State Bar annual meeting, and serves on the State Bar Commission on Professionalism. She is also a member of the Association of Judicial Disciplinary Counsel. She has legal assistant and paralegal experience spanning over 24 years. Prior to joining the Commission staff, the majority of her legal work was performed as a paralegal and office manager for an Albuquerque law firm specializing in criminal defense. Ms. Sanchez also has substantial experience in personal injury and civil litigation.



CLERK OF THE COMMISSION & PARALEGAL

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 serves as Finance Manager. She earned an associate of applied science degree in paralegal studies from the Albuquerque Technical Vocational Institute in 2006. She has been an active member of the Paralegal Division of the State Bar of New Mexico since 2008. She is currently the Chair of the Paralegal Division for 2013, and serves as the Paralegal Division membership committee Chair. In 2013 she joined with the Young Lawyers Division to begin a monthly veteran’s initiative clinic, in which she still serves on today. In 2007 she was appointed to the Paralegal Advisory Committee for Central New Mexico Community College and continues to serve to date. She has also been a member of the Association of Government Accountants since 2009. Prior to joining the Commission, Mrs. Giances-Chavez served for three years as a court clerk to Hon. Marie Baca of the Second Judicial District Court, Children’s Court Division.





INVESTIGATOR

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



ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

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



The Commission’s constitutional authority, statutory authority, and the Code of Judicial Conduct are viewable on the Commission’s website, www.nmjsc.org, under the Governing Provisions of Law tab.

The Commission’s jurisdiction extends over complaints made against currently serving Justices of the Supreme Court and all other judges within the state judicial branch, including the Court of Appeals, district courts, metropolitan court, magistrate courts, probate courts, and municipal courts. The Commission also has jurisdiction over judicial candidates as provided in the New Mexico Code of Judicial Conduct,

NMSA §§21-001, *et seq.* The Commission does not have jurisdiction over special masters, special commissioners, hearing officers, federal judges, Workers’ Compensation Administration judges, other administrative law judges, or attorneys. Where necessary, the Commission holds evidentiary hearings (trials) and, if allegations are proven, recommends appropriate sanctions to the New Mexico Supreme Court.

CONFIDENTIALITY

Article VI, §32 of the New Mexico Constitution mandates that “[a]ll papers filed with, and all matters before, the Commission are confidential. The filing of papers and giving of testimony before the commission or its masters is privileged in any action for defamation, except that the record filed by the commission in the supreme court continues privileged but, upon its filing, loses its confidential character, and a writing which was privileged prior to its filing with the commission or its masters does not lose its privilege by the filing.” Confidentiality requirements do not apply to third-party complainants.

The Supreme Court’s files and hearings are accessible to the public unless sealed or ordered by the Court pursuant to the rules and orders of the Court. See 27-104 NMRA 2011.

A complainant’s name may be disclosed to the judge who is the subject of the complaint. A complainant may be called to participate and/or testify in Commission proceedings.

Commission staff cannot respond to requests for information regarding a complaint or any other proceeding before the Commission. However, a complainant will receive written notice of the ultimate outcome of the complaint, subject to the limits of confidentiality.

ACTIONS THE COMMISSION CANNOT TAKE

The Commission is not an appellate court. The Commission cannot change any judge's ruling, intervene in litigation on behalf of a party, affect the outcome of a court case, or remove a judge from a case. The filing of a complaint with the Commission does not by itself require a judge to recuse or be disqualified from an underlying court case. The Commission and its staff do not provide legal advice.

FILING, REVIEW AND INVESTIGATION OF COMPLAINTS

Anyone may file a complaint against a judge using the Commission's complaint form. The Commission may also docket allegations on its own motion. The Judicial Standards Commission Rules require that complaints be verified (*i.e.*, substantiated by oath and notarized). The Commission may undertake an investigation on its own motion when it has credible knowledge of misconduct by or disability of a judge.

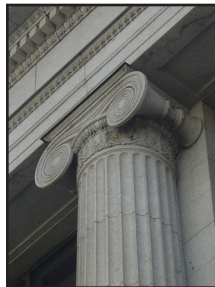
Inquiries about complaint procedures may be made in writing or by telephone. When a complaint is received, the Commission and/or its staff will review the complaint to determine if it falls within the Commission's jurisdiction. After determining that jurisdiction exists, the Commission may conduct an initial inquiry. The Commission may direct staff to conduct additional investigation, if necessary.

Judges are neither notified of frivolous nor unsubstantiated complaints, nor informed of complaints that are extra-jurisdictional or appellate in nature. Such cases are typically dismissed after review by the Commission.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

Initial Inquiry. If it is determined that the complaint, report or other information about the judge's conduct could constitute misconduct, the Executive Director and/or Commission staff may conduct a confidential inquiry. If it is determined after initial inquiry that there are insufficient grounds to proceed, the case will

be closed. The complainant will be informed of the disposition. A closure of the matter at this stage of the Commission's proceedings remains confidential.



A flow chart of the Commission process, the Commission's procedural rules, and the Supreme Court's procedural rules for review of Commission cases may all be found on the Commission's website.

Preliminary Investigation. If the complaint appears to allege facts not obviously frivolous or unfounded indicating a disability or a violation of the New Mexico Code of Judicial Conduct, the Commission may complete a preliminary investigation to determine whether formal proceedings should be initiated

and a hearing held. The Commission may also initiate a preliminary investigation on its own motion. The judge will be notified with a Notice of Preliminary Investigation that sets forth the nature of the complaint. The judge must respond in writing to the notice of preliminary investigation.

If it is determined after preliminary investigation that there are insufficient grounds to proceed, the case will be closed and the complainant and the judge will be informed of the disposition. A closure of the matter at this stage of the Commission's proceedings remains confidential.

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

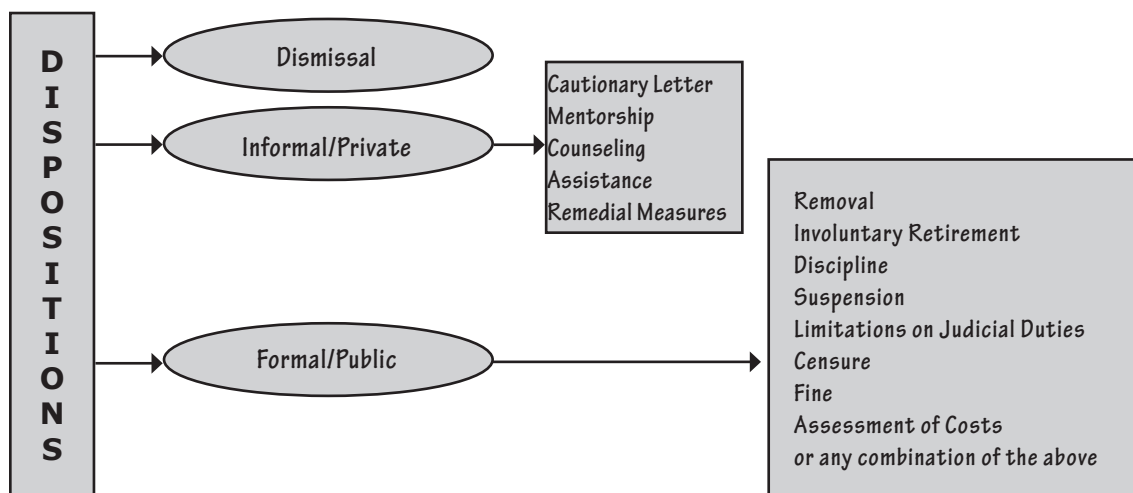
sion’s jurisdiction attaches and is not affected by subsequent resignation or termination from office. The judge’s answer to the Notice of Formal Proceedings shall be in writing and verified.

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 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 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.



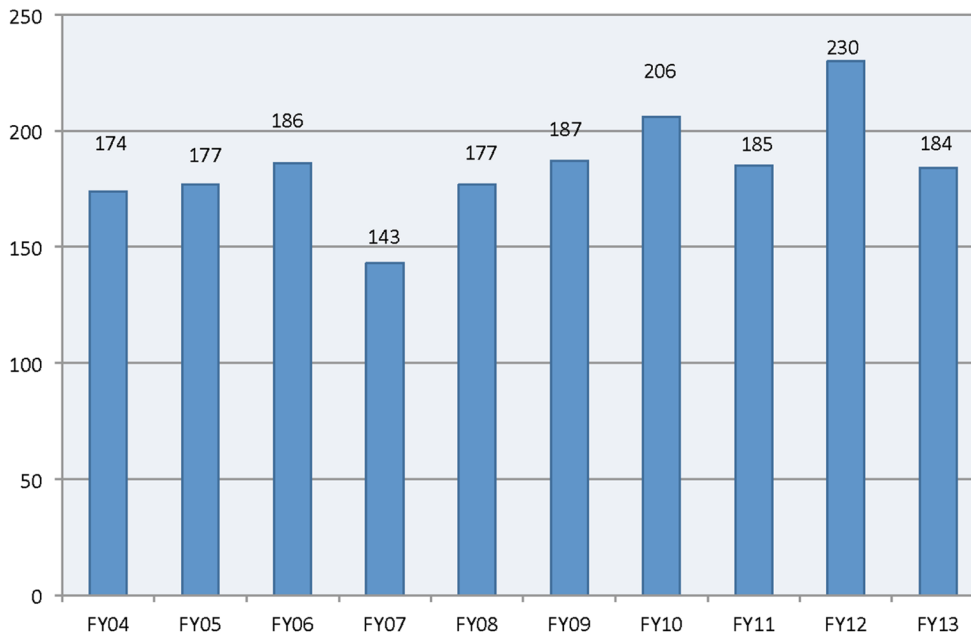


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2012–JUNE 30, 2013

COMPLAINTS RECEIVED

In FY 2013 the Commission received 184 written complaints, which is the sixth highest number ever received. The aggregate is comprised of 145 verified complaints (includes Commission-initiated and reopened inquiries) and 39 unverified complaints.

10-YEAR HISTORY OF COMPLAINTS

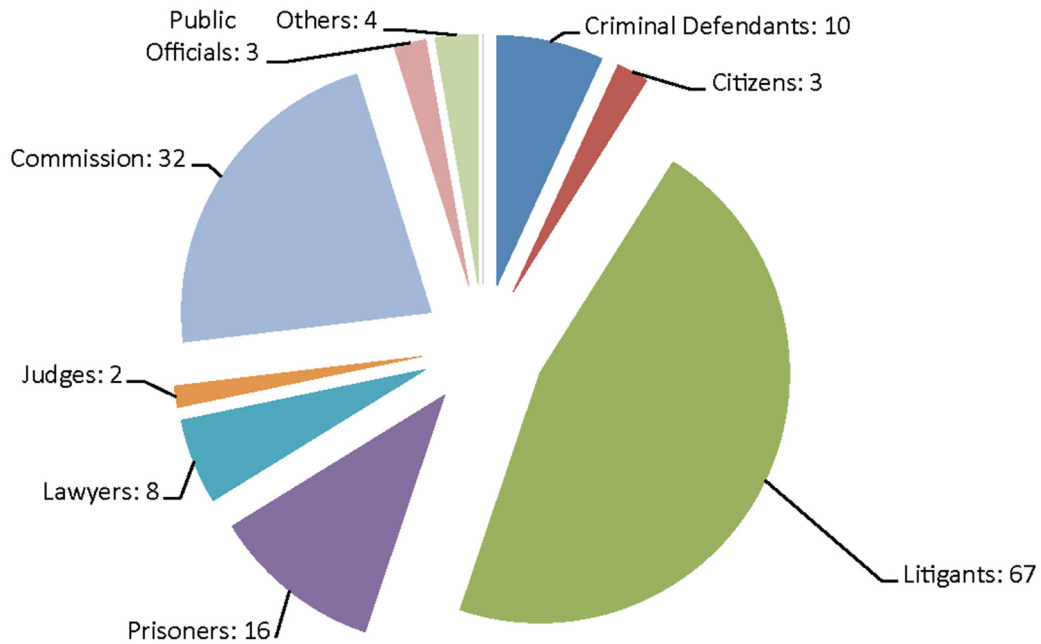


The Commission has an established pre-screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are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

SOURCES OF VERIFIED COMPLAINTS

Of the 145 verified complaints filed with the Commission, most were filed by litigants. The distribution of the sources of written, verified complaints was the following: 67 by litigants or their family/friends, 10 by criminal defendants or their family/friends, 8 by lawyers, 3 by citizens, 3 by public officials, 16 by prisoners, 2 by judges, and 4 by others. Additionally, 32 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



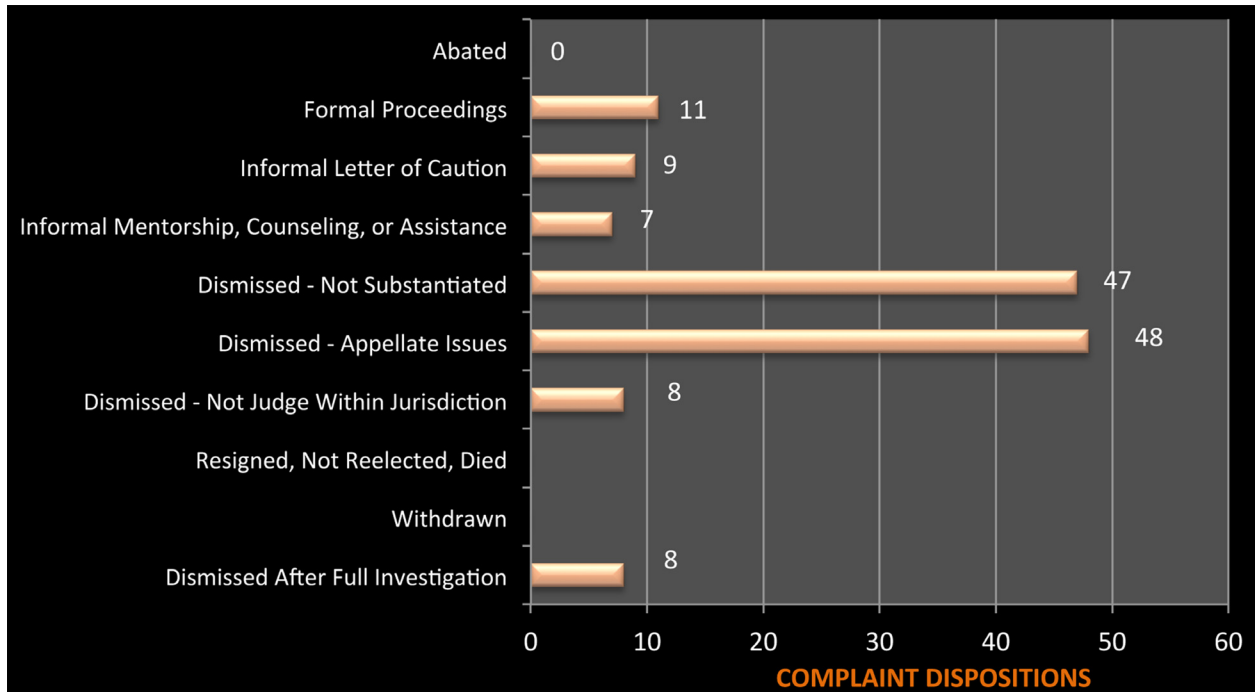
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	CASELOAD %
<i>Supreme Court</i>	10	6.9%
<i>Court of Appeals</i>	3	2.1%
<i>District Court</i>	71	49.0%
<i>Metropolitan Court</i>	6	4.1%
<i>Magistrate Court</i>	27	18.6%
<i>Municipal Court</i>	23	15.8%
<i>Probate Court</i>	2	1.4%
<i>Not a Judge</i>	3	2.1%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY13 (July 1, 2012)	37
New Written/Verified Complaints and Inquiries in FY13	145
Inquiries Concluded in FY13	138
Inquiries Pending at End of FY13 (June 30, 2013)	44

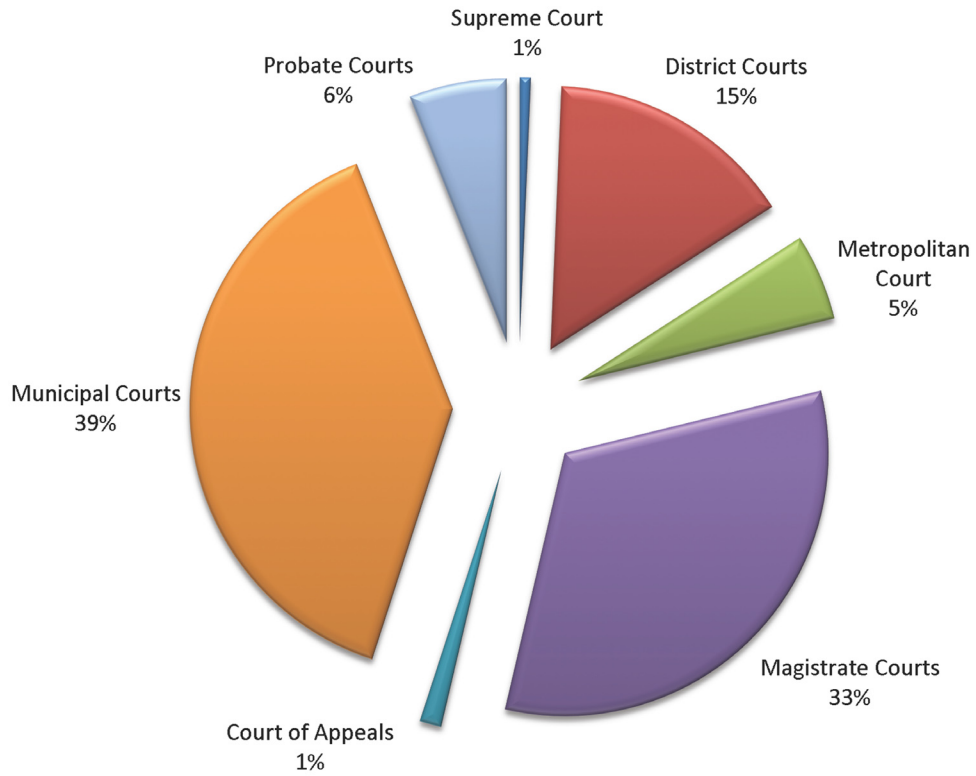
Of the 138 cases disposed in FY 2013, the Commission concluded 11 cases (involving 7 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 9 informal letters of caution. 48 cases were dismissed as appellate, 8 cases because they concerned individuals beyond our jurisdiction, 47 cases as unsubstantiated, and 8 after full/substantive investigation had been completed. In 7 case(s) involving 6 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. The graph below illustrates the FY 2013 case dispositions.



HISTORICAL CASES FILED IN SUPREME COURT

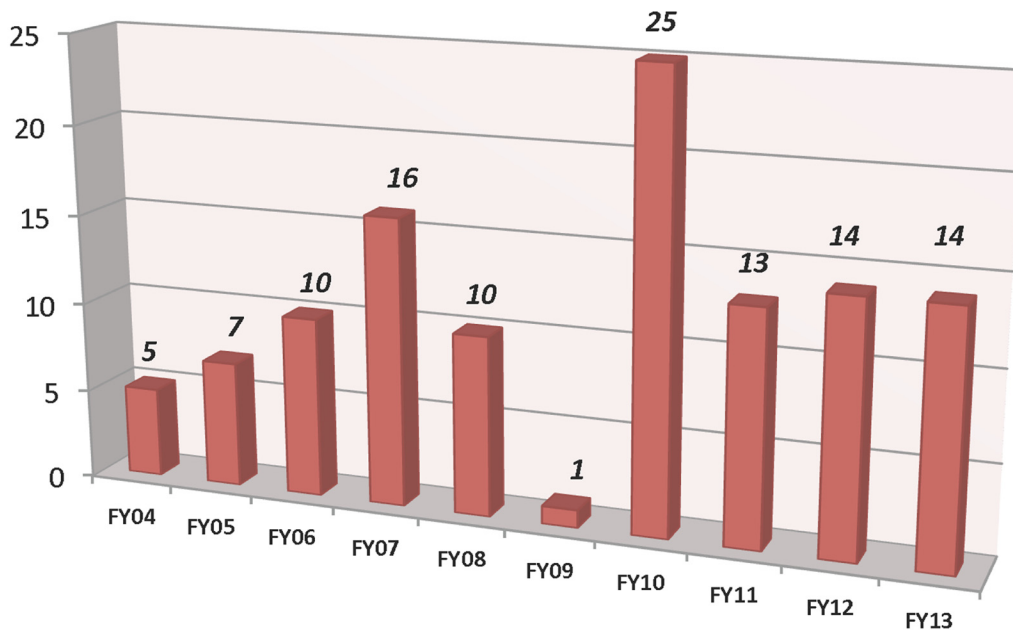
From 1968 through June 30, 2013, the Commission filed 151 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 108 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to 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: 1 Supreme Court, 2 Court of Appeals, 23 district court, 8 metropolitan court, 50 magistrate court, 58 municipal court, and 9 probate court.

All Supreme Court Filings (1968-Present)



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2013, 14 cases concerning 8 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 166 cases concerning 76 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, 2013, the Commission has informally disposed of 331 case files. The following tables illustrate the distribution of the informal cautionary letter and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (245 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.4%
Court of Appeals	0	0.0%
District Court	67	27.4%
Metropolitan Court	26	10.6%
Magistrate Court	88	35.9%
Municipal Court	60	24.5%
Probate Court	3	1.2%

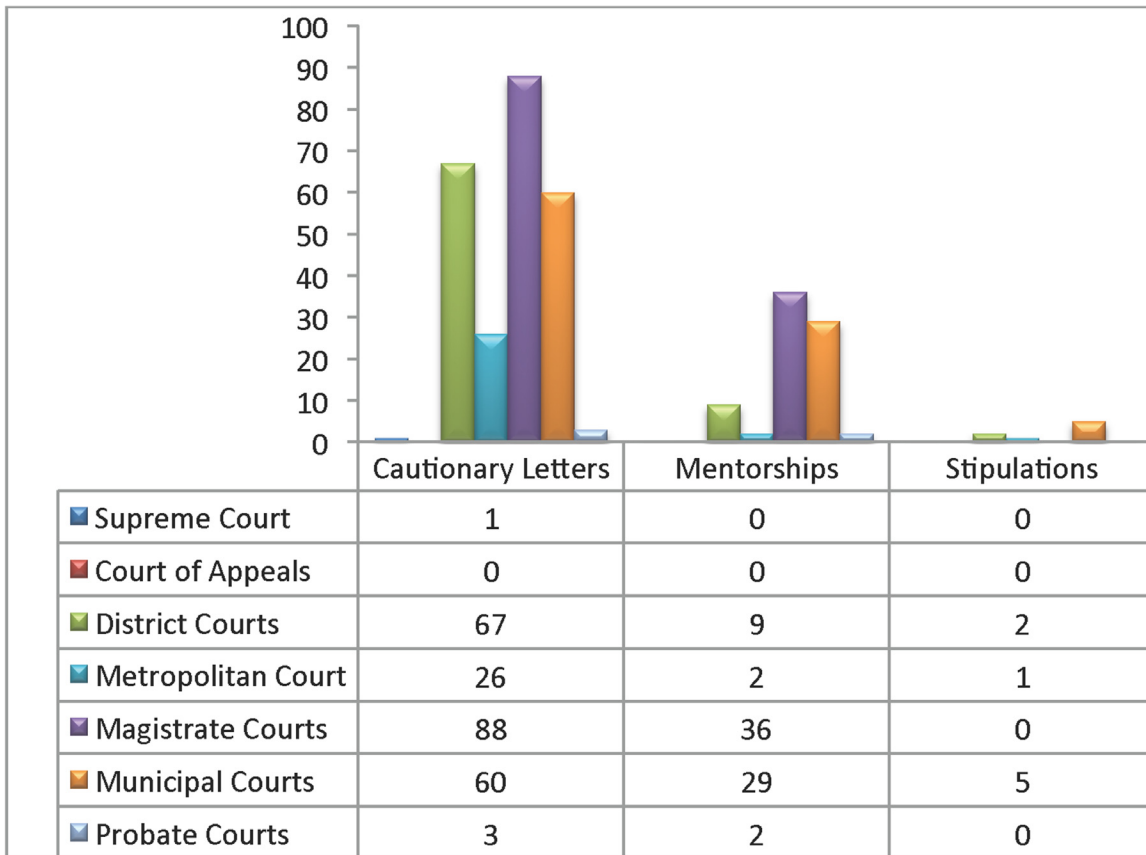
MENTORSHIPS (78 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL MENTORSHIPS
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	9	9%
Metropolitan Court	2	3%
Magistrate Court	36	47%
Municipal Court	29	38%
Probate Court	2	3%

CONFIDENTIAL STIPULATIONS (8 CASES)

In addition to private letters of caution and referrals to the mentor program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2013, 0 cases were disposed through confidential stipulation. Historically, the Commission has disposed of 8 cases through informal stipulation.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS





PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2012–JUNE 30, 2013

All of the Commission’s proceedings that resulted in either formal or informal proceedings are summarized in this section.

Formal cases are matters the Commission found to involve the most serious ethical issues under the New Mexico Code of Judicial Conduct, thereby warranting formal review and proceedings before the Commission and/or the New Mexico Supreme Court. Informal cases, although less serious in nature and scope, involve significant issues that the Commission addresses through private letters of caution to the judges or by referring the judges to the Commission’s informal mentor program.



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

Since August 29, 2006, petitions and responses in temporary suspension matters filed with the Supreme Court have been required to be filed under seal. In September 2009, the Supreme Court amended its rules to require automatic sealing of all Commission matters filed before the Commission completes a trial and evidentiary record. All Supreme Court hearings, docket sheets, and orders were available to the

public, unless otherwise ordered by the Court.

In May 2011, the Supreme Court amended its rule governing this matter. The Court requires that “[t]he contents, the fact of filing, and any other information about any request for temporary suspension, stipulated discipline, or interim relief shall remain confidential until the Court determines that confidentiality is no longer required and enters an unsealing order on its own initiative or grants a motion to unseal pursuant to Paragraph I of Rule 12-314 NMRA.” The Court further changed its docket sheets in sealed matters so they only include the case number and reference to sealed pleadings without specific title information. The Court also has codified that “Any person or entity who knowingly discloses any material obtained from a court record sealed pursuant to this rule may be held in contempt or subject to other sanctions as the Court deems appropriate.”

In January 2012, the Supreme Court adopted significant amendments to the Code of Judicial Conduct that apply to all judges within our jurisdiction. The amendments have not yet had any material impact on the volume or nature of our caseload.

FORMAL PROCEEDINGS

In FY 2013, the Commission concluded 11 cases by formal proceedings before the Commission and/or the New Mexico Supreme Court. Below are summaries of all formal proceedings with events occurring in and/or which were completed in FY 2013, including but not limited to the 11 in FY 2013:

MATTER OF HON. JOHN L. SANCHEZ

Mora County Magistrate Court

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

Supreme Court Docket No. 32,903

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On December 1, 2011, the Commission filed its Interim Report on Respondent's Compliance with the Terms of the Supreme Court's Order. The Commission filed a copy of the certification of Judge Sanchez's completion of the National Judicial College course. Judge Mitchell continued to supervise Judge Sanchez on probation through June 22, 2012. After completion of probation, this matter was abated by the Supreme Court pending completion of proceedings in another matter (reported later in this annual report).

This matter was ongoing at the end of FY 2013. Subsequent events will be reported in the Commission's Annual Report for FY 2014.

MATTER OF HON. KENT WINGENROTH
Dona Ana County Magistrate Court
JSC Inquiry No. 2011-020
Supreme Court Docket No. 33,228

The Commission issued a Notice of Formal Proceedings on July 28, 2011 to Judge Wingenroth (Respondent). He responded on August 22, 2011. On September 23, 2011, the Commission and Judge Wingenroth entered into a Stipulation Agreement and Consent to Discipline. In the agreement, Judge Wingenroth admitted the following:

1. Between January through February 2010 Respondent personally participated in the solicitation of funds or other prohibited fund-raising activities for the Super Bowl Golf Fore Baseball Tournament, a benefit for the Las Cruces and Oñate High School baseball programs. Respondent used the prestige of judicial office for fund-raising and/or created the appearance that he had done so;

2. On or about or between January through February 2011 Respondent personally participated in the solicitation of funds or other prohibited fund-raising activities for Super Bowl Golf Fore Baseball Tournament, a benefit for the Las Cruces and Oñate High School baseball programs. Respondent used the prestige of judicial office for fund-raising and/or created the appearance that he had done so;

3. On or about February 6, 2011, following the Super Bowl Golf Fore Baseball Tournament, Robert Jaurequi, a juvenile probation officer, was arrested for Driving While Intoxicated (DWI) by the New Mexico State Police. Even though Respondent was not the designated on-call Las Cruces Magistrate Judge for February 2011, the State Police Dispatch erroneously informed Officer Mike Ramirez that Respondent was the on-call judge. Officer Ramirez called Respondent to request judicial authority to release the defendant on his own recognizance. Respondent admitted to the officer that he knew the defendant. Respondent admitted that had been at a golf tournament earlier in the day with the defendant, in which Respondent knew there were people drinking alcoholic beverages, and therefore Respondent was a potential witness in the criminal case. Respondent made a judicial ruling in this case in which he was a potential witness;

4. On or about February 6, 2011, the wife of criminal defendant Robert Jaurequi phoned Respondent's wife on Respondent's wife's cell phone while the Respondent's wife was at home. The defendant's wife wanted to discuss the defendant's arrest for Driving While Intoxicated. Defendant Robert Jaurequi and/or defendant's wife knew Respondent's family well enough to call Respondent's wife at home in an attempt to influence Respondent. Respondent agreed to release the defendant even though he was not on-call or assigned to handle the matters. Respondent took judicial action in defendant Robert Jaurequi's case when Respondent's home had received phone calls from the defendant's family prior to Respondent's action;

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

Judge Wingenroth agreed to accept the following formal discipline from the Supreme Court:

A. 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*.

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

C. Abide by all terms of the Stipulation Agreement and Consent to Discipline.

D. Respondent and the Judicial Standards Commission agreed to bear their own costs and expenses in this matter.

On September 23, 2011, the Commission filed under seal in the New Mexico Supreme Court a Petition for Discipline upon Stipulation, requesting the Court accept the terms of the parties' agreement for discipline in this matter.

On October 19, 2011, the Court held a hearing in this matter. Both the Commission and Judge Wingenroth presented oral argument in the matter. The Court cautioned Judge Wingenroth to abide by the terms of the Stipulation Agreement, and to recuse himself in matters which the Code requires him to do so. The same day, the Court issued an order which ordered Judge Wingenroth to complete a twelve-month supervised probation and formal mentorship. The Court ordered the Commission to recommend the probation supervisor/mentor to be appointed by the Court. The Court also unsealed the Supreme Court file in this matter.

On November 7, 2011, the Supreme Court approved Hon. Russell Martin to be mentor and probation supervisor for Judge Wingenroth, and further ordered him to report Judge Wingenroth's progress to both the Commission and the Court. Judge Wingenroth successfully completed his probation on November 7, 2012 and the matter was closed.

MATTER OF STEPHEN G. RYAN, ESQ.
Former Judge, Las Cruces Municipal Court
JSC Inquiry Nos. 1996-06, 1996-60 & 1996-65
Supreme Court Docket No. 32,369

The Judicial Standards Commission issued a Notice of Formal Proceedings to then Judge Stephen G. Ryan in June of 1997. On September 5, 1997, the Judicial Standards Commission and Respondent entered into a Stipulation. In the Stipulation, Respondent admitted that he had done the following:

1. was chronically late for the business of the court, to the detriment of defendants, complainants, witnesses and attorneys;

2. used language that was profane, discourteous, disrespectful and/or undignified in the Court facility and in the presence of court employees;

3. that on September 15, 1995, in Cause No. 1994-07-44013, *City of Las Cruces v. Gloria Salazar*, he entered a "not guilty" verdict and told the complainant, Monica Ransom, "that the defendant, Gloria Salazar, could lawfully batter complainant in public or in complainant's own home, because the defendant had a right to defend her marriage." Further, he told the defendant Gloria Salazar that

“New Mexico law recognize[d] that a marriage between a husband and a wife is a lawful union, and if someone tried to separate that union, the other spouse would have every right to protect that union;”

4. that Respondent’s wife, Trevas Younger Ryan, acting on behalf of Respondent’s campaign for election in the Fall of 1995 to the Municipal Court and his campaign for election to District Court in the Spring of 1996, “solicited donations of money and/or time from attorneys practicing in the Municipal Court” whom Respondent appointed to represent indigent defendants for a fee being paid by the City of Las Cruces, and from attorneys with cases pending in the Municipal Court, “which solicitations gave the appearance of impropriety;”

5. that in Cause No. 1996-07-53695, *City of Las Cruces v. David Hinojosa*, Respondent dismissed “with prejudice” the case during an arraignment after purportedly hearing the defendant’s explanation, without testimony from the officer, and basing his decision that the complaint was “on its face” unconstitutional and stated that if the officer had a problem with the dismissal he “could take it up” with Respondent; and

6. that between March 1994 and November 1995, Respondent sentenced 15 defendants with prior Driving While Intoxicated (DWI) convictions, failed to require the defendants to serve mandatory time in jail after conviction, which was contrary to State sentencing laws for DWI convictions. Respondent dismissed charges of DWI in these cases contrary to State law. Respondent created a new position known as DWI Drug Court Judge and a new court called DWI Drug Court, without authorization of the Las Cruces City Council.

In the 1997 Stipulation, Respondent admitted that his actions constituted willful misconduct. He further agreed that the Commission would submit the matter to the Supreme Court if he ever sought judicial office again.

On December 29, 2011, Respondent mailed a letter to the Commission, indicating that he was seeking appointment to judicial office in the Las Cruces Municipal Court. Pursuant to the terms of the 1997 stipulation agreement, on January 5, 2012, the Commission filed a Petition to Enforce Stipulation and for Discipline with the New Mexico Supreme Court. Due to the nature and extent of Respondent’s willful misconduct, the Commission requested the Court permanently bar Respondent from ever holding or seeking judicial office again. The Court set the matter to be heard on February 1, 2012 and ordered Respondent to file a response on January 30, 2012. In his lengthy written Response, Respondent argued, among other things, that he had not committed the misconduct that he had stipulated to in 1997.

On February 1, 2012, the Court heard argument from both parties. The Court adopted the September 5, 1997 stipulation between the Commission and the Respondent, and found that the Respondent would be sanctioned for willful misconduct. The Court unsealed the matter and remanded the case to the Commission to conduct a hearing to recommend an appropriate sanction to the Court.

On February 27, 2012, the Commission conducted a penalty hearing in this matter. At the hearing, the Commission heard from three witnesses: Harry “Pete” Connely, Esq., Lori Colquitt, and Respondent. The Commission also considered exhibits and arguments from both parties. After deliberation, and upon unanimous vote of the ten participating members, the Commission recommended that the Supreme Court discipline Respondent by 1) permanently barring him from judicial office, and 2) assessing him the Commission’s costs and expenses. On April 19, 2012, the Commission filed a Motion to Adopt Recommendations for Sanctions and Comparative Discipline in Support of Commission’s Recommendation for Sanctions with New Mexico Supreme Court.

The Supreme Court ordered the Respondent to file a response by May 30, 2012 and set the matter for a hearing on June 20, 2012. In his Response, Respondent told the Court that he would never seek judicial office again. After hearing from both parties, on June 20, 2012, the Court ordered that Respondent would never hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future, shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future; and pay the Commission's costs of \$647.74 after July 1, 2012 and before August 1, 2012. Respondent did not pay the costs to the Commission by the date ordered. Respondent informally sought to modify the payment terms with the Commission. The Commission filed a motion to amend the final order to add a customary judgment interest rate. The Court ordered Respondent to respond to the Commission's motion, but he failed to file any response. The Court ordered that judgment interest would accrue on Mr. Ryan's debt to the Commission. The Commission promptly recorded the debt and established a judgment lien, but as of the date of publication, Mr. Ryan has failed to pay any portion of this debt.

MATTER OF HON. STEPHEN S. SALAZAR
Española Municipal Court
JSC Inquiry No. 2011-035
Supreme Court Docket No. 33,601

After completing a preliminary investigation, the Judicial Standards Commission issued a Notice of Formal Proceedings to Judge Salazar on October 7, 2011. The Commission charged:

1. That on or about October 22, 2010 in the matter of George Luna, d/b/a Aces Towing and Recovery LLC, Judge Salazar issued a "Release Order" and had no jurisdiction to issue such an order;
2. That on or about October 22, 2010 in the matter of George Luna, d/b/a Aces Towing and Recovery LLC, Judge Salazar issued an order *ex parte* without giving all parties notice and an opportunity to be heard in the matter. It was alleged that he deprived a party and/or parties' due process of law.

Judge Salazar filed his Answer on October 27, 2011, in which he denied the charges. The Commission set the matter for trial to begin on February 29, 2012. On January 12, 2012, Judge Salazar filed a motion with the Commission requesting to continue the trial setting. The motion was granted and a trial was reset for April 2, 2012.

On April 2, 2012, the Commission conducted a trial in this matter. At the beginning of trial, Judge Salazar filed an Admission to the Notice of Formal Proceedings. In his admission, Judge Salazar admitted both counts of misconduct contained in the Notice of Formal Proceedings. As a preliminary matter at the trial, the Commission deliberated and unanimously agreed to accept Judge Salazar's admissions of misconduct. After accepting Judge Salazar's admissions and finding that Judge Salazar committed willful misconduct, the Commission heard and considered evidence in the penalty phase of the trial, pursuant to Commission Rule 24(E)(8) NMRA (2010).

The Commission found that Judge Salazar violated the following Rules: 21-100 NMRA 1995; 21-200(A) and (B) NMRA 1995; 21-300(A) NMRA 2009; and 21-300(B)(2), (B)(5), (B)(7), (B)(8) NMRA 2009 of the Code of Judicial Conduct, and committed willful misconduct in office.

The Commission found that Judge Salazar failed to establish, maintain and enforce high standards of conduct when he signed an *ex parte* order in the lobby of his courthouse at the request of one of the

parties, David Vigil, on October 22, 2010. Judge Salazar had improperly and *ex parte* requested David Vigil's attorney, Santiago Juarez, to prepare the order which was in favor of David Vigil. David Vigil was the son of a member of Judge Salazar's church, where there are approximately 400 members. Judge Salazar knew both David Vigil and Mr. Vigil's father prior to signing the October 22, 2010 order.

The Commission found that in the illegal order, Judge Salazar ordered George Luna, d/b/a as Aces Towing and Recovery LLC (George and David Luna and Aces Towing), to return a motorcycle to David Vigil, which the police had towed during the course of a criminal case which was pending before the Rio Arriba Magistrate Court. Judge Salazar never inquired if the matter was pending in Rio Arriba Magistrate Court or was part of any other action in any other court. There is no legal authority or theory which would give Española Municipal Court jurisdiction over the subjective matter of Judge Salazar's order. The illegal *ex parte* order was directed at George Luna and Aces Towing, but Judge Salazar never gave notice or an opportunity to be heard to the opposing party, the Lunas or their company, Aces Towing.

The Commission found that on October 22, 2010, when signing the illegal order, Judge Salazar improperly embossed the seal of the Española City Court upon the order, even though there was no case pending or court file existing in the Española Municipal Court for the matter. Judge Salazar never kept a copy of the illegal order, but rather gave the original signed order to David Vigil. On November 17, 2010, Mr. Luna and Aces Towing filed a Petition for Writ of Prohibition and Superintending Control (Writ Petition) in the District Court seeking to quash the October 22, 2010 order Judge Salazar issued against Aces Towing. The Writ Petition submitted law and facts to support that Judge Salazar's October 22, 2010 order was illegal and without jurisdiction. On June 30, 2011, the First Judicial District Court granted Aces Towing's Writ Petition and quashed Judge Salazar's October 22, 2010 order.

The Commission found that Judge Salazar could have rescinded his October 22, 2010 order, but never made any attempt to do so. Judge Salazar stated that he did not rescind the October 22, 2010 order on advice of counsel. Judge Salazar's conduct regarding his issuance of the *ex parte* order and illegal actions failed to preserve the integrity and independence of the judiciary.

The Commission heard both documentary and testimonial evidence that the Commission had previously found that Judge Salazar had committed willful misconduct in a prior case after a trial on the merits conducted from November 2 through November 5, 2009, in Commission Inquiry Numbers 2006-075, 2007-033 and 2007-086. In the prior case, the Commission found that Judge Salazar had willfully failed to afford due process of law to criminal defendants, such as depriving criminal defendants of the right to counsel and the right to trial. The Commission also found in the prior case that Judge Salazar willfully attempted to use his judicial office to assist a party's interest in a domestic violence matter to try to locate the other party at a domestic violence shelter.

The Commission further found that after the trial in the prior case, the Commission imposed an informal disposition which was dependent upon Judge Salazar fulfilling certain conditions. Judge Salazar was required to: 1) successfully complete one year of supervised probation from January 8, 2010 through January 8, 2011, which Hon. Peggy Nelson supervised; 2) complete a class on ethics at the National Judicial College in Reno, Nevada at his own expense; 3) complete a course on domestic violence; and 4) reimburse \$2,000 of the costs of the trial. In the prior case, the Commission agreed not to refer the matter to the New Mexico Supreme Court if Judge Salazar completed the conditions of the informal disposition. With the exceptions of the failure to report and the willful misconduct found herein, Judge Salazar fulfilled the conditions imposed.

In making its recommendation for discipline in the present matter, the Commission heard and considered at the time Judge Salazar issued the illegal *ex parte* order benefiting David Vigil on October 22, 2010, Judge Salazar was on supervised probation with Hon. Peggy Nelson for due process violations, jurisdictional

violations, and misuse of his judicial office to benefit a private party. The Commission heard and considered that while on probation, Judge Salazar had failed to report to the Commission and failed to report to his probation supervisor, Judge Nelson, that he had signed an illegal *ex parte* order without jurisdiction benefiting a private party. Judge Salazar also failed to report to Judge Nelson or to the Commission that during the term of his probation Aces Towing had filed a Petition for Writ of Prohibition against him in the District Court alleging Judge Salazar had committed serious due process violations. The 2009 Conditional Order for Informal Disposition specifically stated that the prior case could be reported to the Supreme Court if Judge Salazar violated any term of the order.

The Commission heard and considered that in the pending case, Judge Salazar admitted the charges against him and admitted that he had committed willful misconduct in office.

After deliberation and upon a unanimous vote, the Commission recommended that the Supreme Court impose the following discipline upon Judge Salazar:

A. 90-day Unpaid Suspension. Judge Salazar shall be suspended from judicial office for ninety (90) days without any pay. The period of suspension shall commence on the first day of the full pay period immediately following the Supreme Court's disciplinary order in this matter.

B. Public Censure. Judge Salazar shall receive a formal public censure, which shall be published in the Bar Bulletin.

C. Probation for Remainder of Current Term of Office. Judge Salazar shall be placed on probation for the remainder of the current term of office. If the Commission charges Judge Salazar with any further violations of the Code of the Judicial Conduct during his current term of office, the Commission may file a petition in this case with the New Mexico Supreme Court requesting that Judge Salazar be immediately suspended and/or removed from judicial office.

D. Assessment of Commission's Costs and Expenses. Judge Salazar shall pay the Commission's costs and expenses incurred in this matter as permitted by Supreme Court Rule 27-403 NMRA.

On May 1, 2012 the Commission filed a Petition for Discipline in the Supreme Court and the court record from the trial before the Commission. On May 3, 2012 the Commission filed its Certified Memorandum of Costs. On June 22, 2012, Judge Salazar filed his Response to Judicial Standards Commission Petition for Discipline. In his Response, Judge Salazar requested the Court consider facts in mitigation, including that he participated in a mentorship with Judge Peggy Nelson. On July 9, 2012, the Commission filed its Reply to Response to Petition for Discipline. In its Reply, the Commission pointed out that Judge Salazar signed an illegal *ex parte* order to benefit a fellow church member's son while on probation for prior acts of willful misconduct in office and Judge Salazar also failed to inform the Commission or his mentor, Judge Nelson, of his new violations.

On July 18, 2012, the Supreme Court held a hearing in this matter. After hearing from both sides, the Court orally proclaimed its findings in open court that day. On August 1, 2012, the Court issued a written order reflecting its findings of July 18. The Court ordered that Judge Salazar:

1. Be suspended from judicial office for 90 days without pay beginning August 1, 2012;
2. Receive a public censure to be published in the *Bar Bulletin* and by the New Mexico Compilation Commission;

3. Pay restitution to the injured parties who were required to file a petition for writ of prohibition and superintending control in the First Judicial District Court that resulted in the quashing of Judge Salazar's order of October 22, 2010;

4. Be assessed costs in the sum of \$2853.84, which Judge Salazar shall pay to the Judicial Standards Commission;

5. Shall pay all costs and restitution no later than six (6) months from the date of this order;

6. Shall neither request nor accept payment of his salary, the costs imposed by this order, or any personal expenses he incurred before the Commission and this Court.

On August 27, 2012 the Commission filed with the Supreme Court a Motion for Clarification of Amendment or Order to Include Customary Interest Rate and Definite Amount of Restitution Owed to George and David Luna, Owners of Aces Towing Company. On November 2, 2012, the Supreme Court granted the Commission's motion and ordered that Judge Salazar pay restitution to George and David Luna in the amount of \$8,557.39, with interest accruing if not paid on or after February 2, 2013. On November 16, 2012, the Supreme Court ordered that annual interest would accrue on the costs assessment owed to the Commission. On January 2, 2013, the Commission received Judge Salazar's \$2,853.84 costs reimbursement. Concurrently, Judge Salazar paid the Lunas the \$8,557.39 in restitution. The Commission subsequently filed a Motion to Clarify Terms of Disciplinary Order with the Court, to which Judge Salazar filed a response and a Motion to Seal Response on May 20, 2013. On July 3, 2013, the Supreme Court denied both the Commission's motion to clarify and Judge Salazar's motion to seal.

MATTER OF HON. MICHAEL G. RAEI

Questa Municipal Court

JSC Inquiry No. 2011-040

Supreme Court Docket No. 33,633

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Supreme Court issued an order on June 15, 2012 accepting the Petition to Accept Stipulation Agreement and Consent to Discipline. On July 23, 2012, the Supreme Court adopted the Commission's recommendation and appointed Hon. Ann Yalman, Santa Fe Municipal Court Judge, to serve as Judge Rael's mentor and probation supervisor. The Supreme Court issued the Formal Reprimand to Judge Rael on October 3, 2012. Judge Rael timely completed the required courses at the National Judicial College, but remained on supervised mentorship and probation at the end of FY 2013.

This matter was ongoing at the end of FY 2013. Subsequent reportable events will be provided in the Commission's Annual Report for FY 2014.

MATTER OF HON. BRET DILLON
Union County Probate Court
JSC Inquiry No. 2011-111
Supreme Court Docket No. 33,573

The Judicial Standards Commission initiated matters pursuant to the Notice of Formal Proceedings filed on January 23, 2012, in response to which Judge Dillon filed his answer on February 9, 2012. The initial Notice of Formal Proceedings contained two counts. On August 29, 2012 the Commission charged Judge Dillon, Respondent, with instructing court staff to shred all legal documents which were on file in the Matter of John Riley Newton, Deceased, Union County Probate No. 2539. It was further charged that the Respondent instructed court staff to file a copy of a will in lieu of the original will, contrary to law, in the Matter of John Riley Newton, Deceased, Union County Probate No. 2539. Respondent filed his Answer on February 9, 2012.

After obtaining evidence of an additional violation of the Code of Judicial Conduct, the Commission filed an Amended Notice of Formal Proceeding adding a third count. The Commission charged that:

On or about January 30, 2012, Respondent received and showed the Union County Clerk a document from the New Mexico Judicial Standards Commission regarding allegations involving *In the Matter of John Riley Newton, Deceased*, Union County Probate No. 2539. Respondent requested to talk to the County Clerk privately. Respondent requested that the County Clerk say that he had not asked her to shred the file in question, which was contrary to the truth. Respondent requested the County Clerk to swear that she agreed with his claim of innocence, which was contrary to the truth. Respondent also asked the Union County Clerk to sign an affidavit that he did not know what he was doing and that his conduct was not misconduct, which was contrary to the truth. The County Clerk refused to sign an affidavit which was not the truth.

Respondent did not answer the Amended Notice of Formal Proceeding, but rather on March 29, 2012, entered into a Stipulation Agreement and Consent to Discipline with the Commission. Judge Dillon admitted the following:

1. On or about August 30, 2011, Respondent instructed court staff to shred all legal documents on file with his court on or about August 29, 2011, in the Matter of John Riley Newton, Deceased, Union County Probate No. 2539.

2. On January 30, 2012, after receiving the Notice of Formal Proceedings from the Judicial Standards Commission, Respondent came into the Union County Clerk's office and requested to talk to the County Clerk privately. Respondent requested the County Clerk to testify to facts which were not true. Respondent asked the County Clerk to say that he had never asked her to shred the file in question, which was contrary to the truth. He requested the County Clerk swear that she agreed with the Respondent's claim of innocence, which was contrary to the truth, as she did not agree that Respondent was innocent. Respondent also asked the County Clerk to sign an affidavit that he did not know what he was doing and that his conduct was not misconduct, which was contrary to the truth. The County Clerk refused to sign an affidavit which was not the truth.

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

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

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

B. Public Censure. Judge Dillon agreed to accept a public censure Supreme Court concerning the conduct admitted in this Stipulation Agreement and Consent to Discipline.

On April 17, 2012, the Commission filed under seal in the New Mexico Supreme Court a Petition for Discipline upon Stipulation, requesting the Court to accept the terms of the parties' agreement for discipline in this matter. On April 27, 2012, the Court ordered both Judge Dillon and the Commission to file responses to the Petition for Discipline.

On June 20, 2012, the Court held a hearing in this matter. Both the Commission and Judge Dillon presented oral argument. The Court expressed great concern about Judge Dillon's actions in requesting the Union County Clerk to misstate the truth to benefit Judge Dillon in a matter before the Commission. On the same day, the Court issued a majority order which Chief Justice Petra Jimenez Maes, Justice Edward Chavez and Justice Charles Daniels concurred and Justices Patricio Serna and Richard Bosson dissented. The Court remanded the matter to the Commission to conduct an evidentiary hearing on the issue of perjury regarding Judge Dillon's conduct on January 30, 2012 with the Union County Clerk.

On August 6, 2012, the Commission conducted an evidentiary hearing in this matter. The Commission found that Judge Dillon committed willful misconduct in office and filed an Amended Petition for Removal with Findings of Fact and Conclusions of Law on October 3, 2012. The Court issued an order granting the Commission's petition on November 9, 2012 removing Judge Dillon from judicial office effective immediately. The Court further ordered the assessment of costs in the amount of \$892.92 payable on or before January 9, 2013. Judge Dillon paid the costs in full on November 30, 2012.

MATTER OF HON. JEFF ARAGON
Los Lunas Municipal Court
JSC Inquiry No. 2011-056
Supreme Court No. 33,690

On February 7, 2012 the Commission issued a Notice of Preliminary Investigation. Judge Aragon responded to the Notice of Preliminary Investigation on March 5, 2012.

The Commission issued a Notice of Formal Proceedings on June 4, 2012. Judge Aragon responded to the Notice of Formal Proceedings on June 25, 2012. The Notice of Formal Proceedings contained several allegations. It was alleged that Judge Aragon violated the due process rights of three defendants; telephonically ordered his clerk to sign a Judgment and Sentence form, which resulted in the arrest of a defendant; released a defendant as a favor for a friend; conducted *ex parte* proceedings; did not complete appropriate paperwork; falsely completed a Judgment and Sentence form; inappropriately issued an Order to Show Cause; exceeded the court's jurisdiction; failed to be patient, dignified and courteous; ordered a document to be backdated; and failed to uphold the law and perform judicial and administrative duties competently and diligently.

The Commission set these matters for trial on August 7, 2012. On June 29, 2012 the Parties entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings and the trial was vacated. Judge Aragon agreed to the following in the Stipulation:

1. Respondent agreed to permanently resign as judge of the Los Lunas Municipal Court effective at 5:00 p.m. on July 20, 2012. Contemporaneous with signing this Stipulation Agreement, Respondent shall submit duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and to the Mayor of the Village of Los Lunas, which the Commission shall hold until the New Mexico Supreme Court accepts this Stipulation Agreement. Upon the Supreme Court's acceptance, the Commission will deliver the resignation letters to the Mayor and the Chief Justice. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court.

2. The parties recognize that the two matters pending before the Commission have not been adjudicated, and that the Respondent denied the allegations contained therein.

3. Respondent agreed to pay for the cost of depositions taken in this matter and all other costs permitted by law in Inquiry Nos. 2011-056 & 2012-054, in the amount of \$1,284.00. Respondent shall pay the costs after July 1, 2012 and before August 1, 2012.

The commission filed a Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings with the Supreme Court on June 29, 2012.

An Addendum to the Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings was filed with the Supreme Court on July 12, 2012. The addendum to the petition informed the Court that a Civil Restraining Order was filed against Judge Aragon by a court clerk and requested that the Court issue an order removing Judge Aragon from the bench immediately. The Supreme Court granted the Petition on July 18, 2012 with an effective date of July 20, 2012.

MATTER OF HON. EUGENIO S. MATHIS

Fourth Judicial District Court

JSC Inquiry No. 2013-020

Supreme Court Docket No. 34,026

On February 18, 2013, the Commission filed under seal a Verified Petition for Immediate Temporary Suspension Without Pay with the New Mexico Supreme Court. The Petition specifically alleged that between November 13, 2012 and February 8, 2013, Judge Mathis:

1. Violated the New Mexico Judicial Branch Computer and Internet Use Policy;
2. Allowed and encouraged his wife, a court employee, to violate the New Mexico Judicial Branch Computer and Internet Use Policy;
3. Interfered with, and undermined, the supervision of his wife, a court employee;
4. Made disparaging remarks to his wife, a court employee, about individuals who were in supervisory positions over her, to include the Chief Judge and other judges sitting in the Fourth Judicial District, the Court Manager, and the Acting CIO/CFO;
5. Undermined the supervision of his wife by the Court Manager and the Acting CIO/CFO by repeatedly stating that he hated them and inciting similar remarks from his wife;

6. Engaged in communications of a sexual nature with his wife, a court employee, during the workday, including intimations that he had or would be having sexual relations with her during the workday and/or on court premises;

7. Permitted his wife, a court employee, to routinely conduct family business, shop the internet, pay bills, and conduct other personal business during court business hours;

8. Permitted his wife, a court employee, to go unchecked in making statements about perpetrating violence in the workplace against her supervisors and/or others;

9. Provided direction to, and oversaw the supervision of, his wife, contrary to prior directives from Supreme Court and the Chief Judge of the Fourth Judicial District Court;

10. Exchanged excessive and improper instant messages with his wife while he was presiding over trials, hearings, and other court proceedings;

11. Commented on the veracity of testifying witnesses during trials, over which he was presiding;

12. Gave his opinion of what the verdict should be in a trial over which he was presiding and while the jury was still deliberating;

13. Referred to a defendant who was the subject of a confidential report by Dr. Moss Aubrey as a "POS" ["piece of shit"] and stated that he hoped he had to register as a sex offender;

14. Breached confidentiality and not only allowed, but encouraged his wife, a court employee, to improperly read and discuss the contents of a confidential report by Dr. Moss Aubrey;

15. Referred to parties in a domestic violence case, over which he was presiding, as "chingado" (sic) ["are being pains in the ass"];

16. Referred to a petitioner in a name change case, over which he was presiding, as "weird;"

17. Failed to cooperate with other judges and court officials in the Fourth Judicial District in the proper and orderly administration of court business;

18. Made verbal remarks manifesting bias, prejudice, and harassment concerning court employees and supervisors;

19. Made verbal remarks manifesting bias, prejudice, and harassment concerning jurors;

20. Wasted state and court resources by purposefully making jurors from Mora wait unnecessarily;

21. Repeatedly engaged in *ex parte* communications with his wife, a court employee, concerning pending or impending matters;

22. Failed to notify parties affected when his wife initiated *ex parte* communications with him about pending or impending matters and provided information bearing on the substance of a matter;

23. "Improperly sought information about the facts in a pending or impending matter from his wife, a court employee;

24. Failed to make any effort to ensure that the rule against *ex parte* communications was not violated by court staff;

25. Repeatedly made judicial statements concerning pending cases, to include cases over which he was presiding;

26. Failed to require his wife, a court employee, to act in a manner consistent with his obligations under the Code of Judicial Conduct;

27. Directed his wife, a court employee, to engage in conduct on his behalf that violated the Code of Judicial Conduct; and

28. Retaliated against court personnel who attempted to exercise their supervisory authority over his wife, a court employee.

On February 22, 2013, the Commission and Judge Mathis entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings. In the Stipulation, Judge Mathis agreed to admit that he had engaged in willful misconduct by committing the following acts:

A. Violated the New Mexico Judicial Branch Computer and Internet Use Policy;

B. Made disparaging remarks to his wife, a court employee, about individuals who were in supervisory positions over her, to include the Chief Judge and other judges sitting in the Fourth Judicial District, the Court Manager, and the Acting CEO/CFO;

C. Exchanged excessive and improper instant messages with his wife while he was presiding over trials, hearings, and other court proceedings;

D. Referred to parties in a domestic violence case, over which he was presiding, as “chingado” (sic) [“acting crazy”];

E. Referred to a petitioner in a name change case, over which he was presiding, as “weird;”

F. Failed to cooperate with other judges and court officials in the Fourth Judicial District in the proper and orderly administration of court business;

G. Made remarks in instant messages to his wife manifesting bias, prejudice, and harassment concerning court employees and supervisors; and

H. Repeatedly made judicial statements concerning pending cases, to include cases over which he was presiding.

Further, Judge Mathis admitted that by committing these acts, he violated Rules 21-101, 21-102, 21-103, 21-201, 21-202, 21-203, 21-204, 21-205, 21-209, 21-210, 21-212, and 21-301 of the Code of Judicial Conduct.

The Stipulation provided in part:

Respondent agrees to permanently resign as judge of the Fourth Judicial District Court, Division I, effective at 5:00 pm on the same day that the Supreme Court enters an order approving this Stipulation and ordering Respondent’s resignation. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall effect his permanent resignation by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and

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

On February 22, 2013, the Commission filed a Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings with the Supreme Court.

On February 28, 2013, the Supreme Court issued its Order granting the Commission's Verified Petition for Immediate Temporary Suspension Without Pay. Judge Mathis permanently resigned that same day.

HON. JOE HORACE LUCERO

San Miguel County Probate Court

JSC Inquiry No. 2012-097

Supreme Court Docket No. 34,131

On November 21, 2013, the Commission received an unsolicited letter from Judge Lucero concerning events that occurred in his office on September 5, 2012. On December 10, 2012, the Commission issued a Notice of Preliminary Investigation (NPI), which was related to those same events. Judge Lucero filed his response to the NPI on December 19, 2012.

On February 20, 2013, the Commission issued a Notice of Formal Proceedings, which alleged that Judge Lucero:

1. On September 5, 2012, called a female prospective litigant "sweetheart" while she was meeting with him in his capacity as a judge and, further, that Judge Lucero admitted that he "always call[s] all women sweetheart" and "it is not uncommon" for him to do so.
2. On September 5, 2012, instructed a prospective litigant to act contrary to the Uniform Probate Code and Supreme Court instructions on probate forms by telling a prospective litigant that she did not need to complete the form required to give notice to known creditors.
3. On September 5, 2012, failed to be patient, dignified, and courteous toward a prospective litigant and toward her husband, an attorney.
4. On November 21, 2012, retaliated, or attempted to retaliate, against an attorney who informed Judge Lucero that he would be filing a complaint against him with the Judicial Standards Commission.
5. On November 21, 2012, sent an unsolicited letter to the Judicial Standards Commission concerning the events of September 5, 2012, and stated that an individual who was waiting for her appointment with him, was "scared by all the commotion" caused by a prospective litigant's husband/attorney, and that statement was false and was known by Judge Lucero to be false.

The Commission did not receive a written response to the Notice of Formal Proceedings from Judge Lucero until March 20, 2013. In his response, Judge Lucero stated that he was pleading "no contest" to the allegations and that he had resigned from his position as San Miguel County Probate Judge, which was to be effective on March 21, 2013. Judge Lucero attached a copy of resignation letter to the Board of

County Commissioners. However, because the Commission's jurisdiction had attached, Judge Lucero was informed that the matter was not concluded by his own resignation.

On April 15, 2013, the Commission and Judge Lucero entered into a Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings. Judge Lucero did not contest and whereby stipulated that the Commission had sufficient facts and evidence to prove that he engaged in willful misconduct by committing the acts alleged in the Notice of Formal Proceedings. Further, Judge Lucero did not contest and whereby stipulated that the Commission had sufficient facts and evidence to prove that he violated the following rules of the Code of Judicial Conduct: 21-101, 21-102, 21-202, 21-203(A) and (B), 21-204(A) and (B), 21-205(A), 21-208(B), and 21-216(A) and (B).

The Commission filed its Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings with the New Mexico Supreme Court on April 15, 2013.

On May 20, 2013, the New Mexico Supreme Court issued its Order granting the Commission's Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings. The Court ordered that Judge Lucero's retirement that was effective on March 21, 2013 be permanent; that Judge Lucero would never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future; that Judge Lucero would never seek, accept appointment to, or serve *pro tempore* for, any New Mexico judicial office in the future; and that Judge Lucero would never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

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, § 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.

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.

MATTER OF HON. WILLIAM H. BROGAN
Twelfth Judicial District Court
JSC Inquiry No. 2011-145 & 2012-121
Supreme Court Docket No. 34,167

The Commission initiated matters pursuant to the Notice of Formal Proceedings on May 1, 2013. Judge Brogan did not file a response to the Notice of Formal Proceedings, but rather entered into a Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings on May 22, 2013, which contained no admissions of misconduct. The same day, the Commission filed a Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings ("Stipulation") with the New Mexico Supreme Court. Judge Brogan ("Respondent") was charged with fifteen counts of misconduct which included failure to maintain competence in the performance of judicial duties; failure to follow the Rules of Criminal Procedure; failure to follow the Rules of Evidence; failure to seek and/or dedicate the necessary docket time to discharge adjudicative responsibilities; engaging in harassing and/or retaliatory, and/or improper behavior against Respondent's former TCAA; failure to take sworn testimony from witnesses; attempting to initiate or permit *ex parte* communication with a *pro se* litigant; failure to keep proceedings before the Commission confidential; denying due process to the state on three separate occasions by continuing or vacating trial settings without obtaining the state's position; denying due process to a defendant by not requiring defendant's presence during jury communications; violating a defendant's constitutional right against double jeopardy; exceeding jurisdiction by granting

defendant's motion to withdraw a plea agreement based on ineffective assistance of counsel; and failing to follow mandatory sex offender probation guidelines.

The Stipulation states in pertinent part the following:

1. Respondent agrees to permanently resign as judge of the Twelfth Judicial District to be effective no later than 5:00 p.m. on the date the Court files the order. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall submit duplicate original letters of resignation to the Chief Justice of the New Mexico Supreme Court and to the Governor. Respondent shall concurrently provide a copy of the resignation letter to the Commission. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court.

2. 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 Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings ("Petition"), attaching a copy of the Stipulation.

3. Upon granting the Petition the Commission requests that the Court unseal the Supreme Court file in this matter pursuant to Rule 27-104(B) NMRA 2011. Pursuant to Rule 27-104(B) and in keeping with the Court's prior decisions in other matters, the Commission requests that the file in this matter be unsealed, permitting the citizens and the Judiciary of New Mexico to be informed of the actions concerning Respondent, an elected official. The Respondent, however, requests that the matter remain sealed.

4. Upon execution of this Stipulation and acceptance by the Supreme Court, the Commission will abate and close all pending matters before the Commission (Inquiry Nos. 2011-145 and 2012-121).

5. This Stipulation is specifically enforceable by the Commission before the Supreme Court.

6. This Stipulation is not enforceable unless fully executed by all parties.

7. Respondent acknowledges that upon execution of this Stipulation, Respondent gives up any and all motions, defenses, objections or requests that the Respondent has made or raised, or could assert hereafter in or concerning the Judicial Standards Commission proceedings.

8. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this Stipulation.

9. If Respondent violates any terms or provisions of this executed Stipulation, Respondent agrees that all facts and charges alleged in both the Notice of Formal Proceedings issued in Inquiry Nos. 2011-145 and 2012-121 on May 1, 2013, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Supreme Court, and shall constitute obstruction of Commission business and contempt.

10. The terms and conditions contained in this Stipulation are mutually acceptable to and agreed upon by all parties.

11. All parties have read and understand this Stipulation, have had the opportunity to discuss it with and be advised by legal counsel, and hereby freely and voluntarily enter into this Stipulation free of any threats, and free of any promises not contained herein.

The Court issued an order on May 24, 2013 accepting the Respondent's permanent retirement from judicial office in lieu of further disciplinary proceedings and unsealing the Supreme Court's file in the matter.

MATTER OF HON. FREDERICK ARNOLD

Portales Municipal Court

JSC Inquiry No. 2012-079

Supreme Court Docket No. 34,183

The Commission initiated matters pursuant to the Notice of Formal Proceedings filed on December 5, 2012. Judge Arnold filed his answer on January 7, 2013. The Notice of Formal Proceedings charged Judge Arnold with falsifying a timecard for a court employee certifying that the employee worked five regular hours on July 17, 2012 rather than taking five hours of vacation in order for the employee to receive overtime pay.

On June 3, 2013 Judge Arnold stipulated to permanent retirement from judicial office and consented to receiving a public censure.

Judge Arnold ("Respondent") admitted the following:

1. On or about July 23, 2012, Respondent altered a time card for court clerk Suzanne Cherry to reflect that Ms. Cherry worked forty (40) regular hours the week of July 16-20, 2012 when in fact Ms. Cherry worked only thirty-five (35) regular hours as charged in Count One of the Notice of Formal Proceedings which was filed on December 5, 2012. Ms. Cherry took five (5) hours of vacation on July 17, 2012 and worked five (5) hours on July 20, 2012 to which she believed she would be paid overtime. Ms. Cherry noted on her time card that she had not been approved for payment of the five (5) hours she worked on July 20th. Ms. Cherry approached the Respondent and in order for Ms. Cherry to be paid for the hours she worked on July 20th, the Respondent whited out the annotation on the time card to reflect that she did not take five (5) hours of vacation as originally documented, but altered the time card to read that Ms. Cherry worked her regularly scheduled hours on July 17th.

2. As a result of Respondent's actions, Ms. Cherry was paid for five (5) hours of overtime accrued on July 20, 2012 to which she was not entitled.

3. Respondent was informed by City of Portales Payroll Clerk, Cathy Kennedy, that pursuant to Portales's policy regarding compensation and employment, Ms. Cherry was not entitled to five hours of overtime pay because she did not work forty (40) regular hours the week of July 16-20, 2012. Ms. Kennedy stated, however, that Respondent was responsible for his own budget and could manage his budget however he saw fit.

Judge Arnold's admitted conduct violated the Rules of the Code of Judicial Conduct. Judge Arnold agreed that his admitted conduct constituted willful misconduct in office and provided sufficient basis for the New Mexico Supreme Court to impose discipline against him pursuant to Article VI, Section 32 of the New Mexico Constitution.

Judge Arnold agreed to accept the following formal discipline from the Supreme Court:

A. Respondent agrees to permanently retire as judge of the Portales Municipal Court effective at 5:00 p.m. on June 30, 2013. 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 Portales City Council. 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.

B. Respondent consents to and shall receive a Public Censure from the New Mexico Supreme Court regarding his admitted conduct and violations of the Code of Judicial Conduct. Public Censures are published in the *Bar Bulletin*.

The Commission filed a Petition to Accept Stipulation to Permanent Retirement from Judicial Office and Consent to Discipline on June 5, 2013. On July 3, 2013 the Supreme Court accepted the petition to accept permanent retirement from judicial office but denied the stipulation to the issuance of a public censure.

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

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

This matter was ongoing at the end of FY 2013. Subsequent reportable events will be provided in the Commission's Annual Report for FY 2014.

INFORMAL PROCEEDINGS

PRIVATE LETTERS OF CAUTION. The Commission may dispose of a matter by privately cautioning the judge that the conduct alleged may violate the Code of Judicial Conduct. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. However, the Commission was concerned that if true, the conduct may violate the Code, requiring the matters to be addressed. In FY 2013, the Commission issued private cautionary letters in 9 cases addressing the issues listed below:

1. A judge allegedly appointed a former law partner as a special master in a case without disclosing that relationship to the parties in the case, and then allegedly approved compensation to the special master beyond the fair market value of the services rendered. The Commission cautioned the judge to

do the following as provided in the Code of Judicial Conduct: not engage in favoritism or nepotism when making administrative appointments; avoid the appearance of impropriety when making administrative appointments; always review and approve the compensation of administrative appointments, making sure that compensation approved does not exceed the fair value of services rendered within the requirements of the Code; and avoid the appearance of impropriety and partiality by disclosing to the parties relationships with appointees that may cause the judge's impartiality to be reasonably questioned.

2. A judge allegedly signed and submitted a timecard to payroll that overstated the regular hours worked, and allegedly failed to submit timecards that indicated when the judge took time off due to illness or vacation. The Commission cautioned the judge to do the following: do not sign documents that are false, inaccurate or give the appearance of impropriety; be mindful that as a judge when a document is signed, the judge's signature is meaningful and endorses the truth and accuracy of the document and the matters stated therein; and to avoid impropriety and the appearance of impropriety.

3. A judge allegedly campaigned publicly for candidates in elections for non-judicial offices, including writing a letter that was widely distributed; recording radio advertisements in support of one candidate, in both English and Spanish, which stated the judge's name; and carrying a campaign sign at a primary election polling location supporting one other candidate. The Commission cautioned the judge to not publicly endorse or oppose candidates for public office beyond the limitations imposed by the Code of Judicial Conduct, and to avoid impropriety and the appearance of impropriety.

4. A judge allegedly failed to complete release forms and failed to review arraignment paperwork for accuracy prior to leaving the courthouse on Friday to attend an event, when fellow judges were scheduled off, when the judge had agreed to cover arraignments on behalf of one of the absent judges, and despite being informed by court staff. The judge's actions would have left defendants in custody over the weekend, when they otherwise would have been released that same day. The Commission cautioned the judge to complete all necessary paperwork before leaving court, particularly when liberty interests are affected, and to avoid impropriety and the appearance of impropriety. The Commission reminded the judge that the duties of judicial office take precedence over all of a judge's personal or extrajudicial activities.

5. A judge allegedly made statements to the media concerning how the judge intended to sentence individuals appearing before the judge's court. The Commission cautioned the judge to be mindful of the possible appearance of impropriety, bias, and prejudgment of a case. The Commission further cautioned the judge to refrain from announcing set sentencing policies for cases that may come before the judge's court and from making statements that are inconsistent with the impartial performance of judicial duties.

6. A judge allegedly made public and *ex parte* comments on a social media site concerning a case over which the judge was presiding and which was still ongoing, including comments concerning the jury's verdict. The Commission cautioned the judge to refrain from making public or non-public statements on pending or impending proceedings, including proceedings in which the judge is a litigant in an official capacity. The prohibition includes posting, discussing, or commenting through social media. The judge was also reminded that the requirement to refrain from making statements about pending or impending proceedings continues throughout any appellate process and until final disposition. The Commission imposed, but suspended on conditions, a requirement that the judge complete a mentorship on these issues.

7. A judge running for higher judicial office allegedly had misleading campaign signs, by not stating the judge's current judicial office in addition to the higher judicial office being sought. The Commission cautioned the judge to abide by election laws, regulations, and the Code of Judicial Conduct and ensure

that individuals working for the judge's campaign are knowledgeable of and comply with all applicable laws, rules and regulations.

8. A judge allegedly failed to follow the statutory requirement to annotate abstracts of record with defendants' pleas and failed to document case files to accurately reflect the court's actions and ensuring that due process requirements were met. The Commission cautioned the judge to comply with statutory and constitutional requirements and to document proceedings properly.

9. Another judge running for higher judicial office allegedly also had misleading campaign signs, by not stating the judge's current judicial office in addition to the higher judicial office being sought. The Commission cautioned the judge to abide by election laws, regulations, and the Code of Judicial Conduct and to ensure that individuals working for the judge's campaign are knowledgeable of and comply with all applicable laws, rules and regulations.

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 2013, 7 inquiries involving 6 judges were disposed informally through remedial measures, which are discussed below.

1. A judge allegedly engaged in *ex parte* communications with a defendant and the defendant's mother and made improper public commentary to the media regarding a pending case. The Commission and the judge entered into a Consent Decree in which the judge agreed to a mentorship, which provided review of *ex parte* communications and avoidance thereof, victims' rights and conditions of release, problems and strategies for dealing with the media, and having both sides present for motions hearings and establishing special conditions of release in cases involving victims and domestic violence.

2. A judge allegedly issued a bench warrant on a 28 year-old citation in which the original citation had been destroyed and/or no longer existed and allowed the court clerk to sign the Judgment and Sentence in the case without legal authority. The Commission and the judge entered into a Consent Decree in which the judge agreed to a mentorship, which provided review of the requirements and best practices for proceeding on stale citations and outstanding judgments, issuance of warrants, and procedures and authorities for orders and judgments.

3. A judge allegedly ordered a litigant in a divorce case to bring a check for spousal support to a hearing. The litigant gave the check to his attorney prior to the hearing, but the attorney failed to bring the check to court. The judge allegedly improperly detained the litigant without due process of law for approximately one and one-half hours and would not release litigant until litigant's attorney retrieved the spousal support check from the attorney's office and returned to court with the check. The Commission and the judge entered into a Consent Decree in which the judge agreed to a mentorship, which provided review of contempt authority and available sanctions for disobedience of court orders.

4. A judge running for a higher office allegedly had misleading campaign signs. The Commission and the judge entered into a Consent Decree in which the judge agreed to a mentorship. The purpose of the mentorship was to assist the judge in understanding the Code of Judicial Conduct, accepting responsibility for personal behavior, and becoming familiar with the purposes of the judicial disciplinary review process.

5. A judge allegedly failed to be patient, dignified and courteous to a local police department detective while the detective was seeking approval for a warrant, and through words or conduct, allegedly harassed the detective. The Commission and the judge entered into a Consent Decree in which the judge agreed to complete a one-year supervised informal probation and mentorship, and a specified remedial training course from a national provider. The purpose of the mentorship was to assist the judge in maintaining proper demeanor and eliminating bias and prejudice and/or the appearance of bias and prejudice.

6 & 7. A judge allegedly deprived a defendant due process of law, was biased, created the appearance of impropriety, and/or failed to recuse from the case in a timely manner where the judge's child was named as a trial witness, cried or teared up in open court during a hearing demonstrating bias and/or an appearance of impropriety. The Commission and the judge entered into a Consent Decree in which the judge agreed to complete a one-year supervised informal probation and mentorship, addressing the requirements and procedures for timely recusal, and the demonstration of appropriate judicial demeanor and impartiality.

PRIOR YEAR INFORMAL REMEDIAL MEASURES. The Commission disposed of the following matter (2 inquiries concerning 1 judge) in FY 2012, but inadvertently failed to include it in the annual report:

1. A judge allegedly engaged in discrimination against court employees. The Commission and the judge entered into a Consent Decree in which the judge agreed to complete twelve months of supervised probation and mentorship, and twelve months of counseling to eliminate bias and/or prejudice or the appearance of bias and/or prejudice.

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 2013, the Commission entered into no confidential stipulations.

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.

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 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 2013, the State Legislature appropriated \$742,900.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct.

FY 2013 Commission expenditures totaled \$742,838.03 from the General Fund. Summaries by category of the Commission's expenditures are provided herein for each fund.

FY 2013 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$449,989.43	60.6%
Employee Benefits & Taxes	149,770.05	20.2%
Employee Training & Licensing	12,539.94	1.7%
Commission Travel	4,848.70	0.7%
Investigation & Prosecution*	3,892.27	0.5%
Contractual Services	12,497.57	1.7%
Rent, Telecom, IT & Overhead	85,685.97	11.5%
Equipment, Supplies & Postage	23,614.10	3.1%
TOTAL	\$742,838.03	100%

* See additional \$5,030.76 in investigation and prosecution expenditures from the Commission's Investigation and Trial Cost Reimbursement Fund, which are detailed in the next table on the following page.

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 non-reverting character of the fund was not continued by the Legislature in FY 2013.

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. In FY 2013 the Commission collected \$5,030.76 in these reimbursements from judges as follows: \$1,284.00 from former Los Lunas Municipal Court Judge Jeff Aragon; \$2,853.84 from Espanola Municipal Court Judge Stephen S. Salazar; and \$892.92 from former Union County Probate Judge Bret Dillon.

DESCRIPTION	FY 2013 COSTS	FY 2013 FINES	FY 2013 EXPENDITURES	BALANCE
Balance Forward from FY 2011				\$ 1,545.38
Jeff Aragon, former Los Lunas Municipal Court Judge	\$ 1,284.00			2,829.38
Stephen S. Salazar, Espanola Municipal Court Judge	2,853.84			5,683.22
Bret Dillon, former Union County Probate Court Judge	892.92			6,576.14
FY 2013 Expenditures for Investigation & Prosecution			\$ (5,030.76)	1,545.38
TOTALS	\$ 5,030.76	\$ 0.00	\$ (5,030.76)	\$ 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 DEBT(S) 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 2013, the total amount due from Mr. Griego is \$8,849.81. 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 suit was dismissed for lack of prosecution by the plaintiff bank. At the end of FY 2013, the Commission was named a party to another foreclosure lawsuit brought against the Griegos, which is still pending.

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. Annual interest at a rate of 8% will accrue on this debt, starting in FY 2014.

FY 2013 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2013 Approved Budget	\$ 742,900.00	
Total FY 2013 Expenditures		\$ (742,838.03)
FY 2013 Reversion to General Fund		(61.97)
Total Expenditures and Reversion		\$ (742,900.00)

Note: Reversion represents 0.008% 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
2003	376,200.00	296,732.00	79,468.00	\$0.00	21%
2004	385,079.00	357,049.00	28,030.00	\$0.00	7%
2005	529,352.00	515,810.65	8,541.35	\$5,000.00	3%
2006	650,816.00	650,253.11	0.00	\$562.89	0%
2007	688,853.00	688,812.57	40.43	\$0.00	0%
2008	819,548.00	803,295.93	0.00	\$16,252.07	2%
2009	842,973.00	832,600.37	6,799.01	\$3,573.62	1%
2010	780,002.40	749,752.96	22,047.04	\$8,202.40	4%
2011	731,300.00	717,230.17	14,069.83	\$0.00	2%
2012	706,900.00	705,230.69	1,669.31	0.00	0.2%
2013	742,900.00	742,838.03	61.97	0.00	0.008%

