



FY 2016 ANNUAL REPORT





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COMMISSIONERS

Joyce Bustos
Chair

Malinda Williams
Vice-Chair

John Bode
Jaime Chavez

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

Hon. Maurine Laney
Hon. Steven O. Lee

Bill Leslie
Beth Paiz

Hon. Jerry H. Ritter, Jr.
Kimberli Ronquillo-Fannin
Ruth M. Schifani, Esq.

STAFF

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Executive Director & General Counsel

Phyllis A. Dominguez, Esq.
Senior Investigative Trial Counsel

Deborah L. Borio, Esq.
Investigative Trial Counsel

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JUDICIAL STANDARDS COMMISSION



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JUDICIAL STANDARDS COMMISSION**

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JOYCE BUSTOS
CHAIR

MALINDA WILLIAMS
VICE-CHAIR

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

DEBORAH L. BORIO, ESQ.
INVESTIGATIVE TRIAL COUNSEL

September 1, 2016

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

Ladies and Gentlemen:

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

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

Sincerely yours,

A handwritten signature in blue ink that reads "Joyce Bustos". The signature is written in a cursive, flowing style.

Joyce Bustos
Chair



TABLE OF CONTENTS

Commissioners & Staff	1
Commission Terms & Positions	1
Commissioners and Statutory Position Terms as of June 30, 2016	1
Commission Members as of June 30, 2016	2
Commission Staff Members	7
Organizational Overview	10
Jurisdiction & Authority.....	10
Confidentiality.....	10
Actions the Commission Cannot Take.....	11
Filing, Review and Investigation of Complaints.....	11
Actions the Commission Can Take on Complaints	11
Initial Inquiry.....	11
Preliminary Investigation	11
Formal Proceedings	11
Dispositions.....	12
Sanctions.....	12
Statistics	13
Complaints, Dispositions & Performance: July 1, 2015–June 30, 2016	13
Complaints Received.....	13
10-Year History of Written Complaints	13
Sources of Verified Complaints	13
Complaint Sources	14
Judges Reviewed.....	14
Case Dispositions	14
Historical Cases Filed in the Supreme Court	15
Public Cases Disposed by Termination of Judicial Office.....	16
Historical Informal Case Dispositions.....	17
Cautionary Letters.....	17
Mentorships.....	17
Confidential Stipulations.....	18
Historical Graphical Summary of Informal Case Dispositions	18
Commission Proceedings	19
Proceedings before the Commission: July 1, 2015–June 30, 2016	19
Formal Proceedings	20

Proceedings that Remain Confidential	32
Informal Proceedings	32
Private Letters of Caution	32
Informal Remedial Measures	33
Informal Stipulations.....	34
Current or Former Judges with Ongoing Duties to Comply with Supreme Court-Ordered Probation, Monitoring, or Other Conditions	34
All Disciplinary Cases.....	34
Other Related State Cases.....	35
State Case Regarding Commission Subpoenas	36
Finances.....	37
Expenditures & Cost Reimbursement	37
FY 2016 Expenditures from the General Fund	37
Investigation & Trial Cost Reimbursement Fund	37
Fines and Cost Reimbursement Distinguished.....	38
Outstanding Debts Owed to the Commission.....	38
FY 2016 General Fund Appropriation Compared to General Fund Expenditures	38
Agency 10-Year General Fund Funding Profile	39



COMMISSION TERMS & POSITIONS

As set forth in Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated Sections 34-10-1 through -4, the Judicial Standards Commission is composed of thirteen members. Seven members are public members appointed by the Governor; two members are attorneys appointed by the Board of Bar Commissioners; two members are justices or judges of the New Mexico Supreme Court, Court of Appeals or District Courts appointed by the Supreme Court; one member is a magistrate judge appointed by the Supreme Court; and one member is a municipal judge appointed by the Supreme Court. Public members are appointed to staggered five-year terms, while attorney and judicial members are appointed to staggered four-year terms. Commissioners are not paid a salary, but receive per diem and reimbursement for expenses as provided by law. Each year the Commissioners elect a Chair and Vice-Chair from the 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, 2016

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

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Statutory Term</u>
1	Kimberli Ronquillo-Fannin (R)	Governor	07/01/14–06/30/19
2	William Leslie (D)*	Governor	07/01/15–06/30/20
3	John Bode (I)	Governor	07/01/11–06/30/16
4	Elizabeth Paiz (R)	Governor	07/01/12–06/30/17
5	Joyce Bustos (D)	Governor	07/01/13–06/30/18
6	Ruth M. Schifani, Esq.	State Bar	07/01/14–06/30/18
7	Norman L. Gagne, Esq.	State Bar	07/01/12–06/30/16
8	Hon. John A. Dean Jr.	Supreme Court	07/01/15–06/30/19
9	Hon. Jerry H. Ritter, Jr.	Supreme Court	07/01/13–06/30/17
10	Malinda Williams (D)*	Governor	07/01/14–06/30/19
11	Hon. Maurine Laney	Supreme Court	07/01/15–06/30/19
12	Jaime Chavez (R)	Governor	07/01/13–06/30/18
13	Hon. Steven O. Lee	Supreme Court	07/01/13–06/30/17

**Denotes that Commissioner was awaiting gubernatorial reappointment or replacement and held over past term expiration as provided by law.*

§ COMMISSIONERS & STAFF



COMMISSION MEMBERS

AS OF JUNE 30, 2016

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

JOYCE BUSTOS was appointed to the Commission by Governor Susana Martinez in April 2011 and reappointed in July 2013. She currently serves as Chair of the Commission. Mrs. Bustos grew up in Chimayo, New Mexico, and graduated from McCurdy High School. Mrs. Bustos received a Bachelor of Science degree in secondary education in 1977, and a Masters degree in Public Administration (Criminal Justice concentration) in 1988 from the University of New Mexico. She retired from New Mexico state government after 25 years of service, primarily in the criminal justice system. She was employed by the New Mexico Department of Corrections for 11 years, the Department of Public Safety for 3 years, and as the Director of the Administrative Office of the District Attorneys for 10 years. She is currently an independent criminal justice consultant.



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



NORMAN L. GAGNE, ESQ. was reappointed to the Commission by the New Mexico State Bar Board of Bar Commissioners in July 2016. A 1974 graduate of the University of New Mexico Law School, Mr. Gagne was a Shareholder and Director of Butt Thornton & Baehr PC, his professional home for thirty eight years, before becoming Of Counsel January 1, 2009. He had served the firm on its Executive Committee, as Treasurer and as President and Managing Director. He started the firm's in-house training program and still teaches there. Mr. Gagne has litigated and tried civil cases throughout New Mexico and in Federal Court. He now limits his practice to mediating litigated cases and to facilitating group meetings and conflict management. He is rated "AV", the highest rating, by Martindale-Hubbell Bar Register of Preeminent Lawyers. Mr. Gagne has served in various non-profit, community organizations including the KNME Board of Community Advisors, New Mexico Symphony Orchestra Board, Chamber Music Albuquerque Board (Vice President), Southeast Heights Neighborhood Association Board (President), New Mexico Cancer Center Foundation (President) and Albuquerque Emergency Medical Services Authority, among others. Mr. Gagne enjoys trail running and has completed twenty consecutive La Luz Trail Runs and other, longer trail races in New Mexico and Colorado such as the Leadville Marathon, the Jemez Mountain Trail Runs 50K, the Imogene Pass



Run and others. He also enjoys hiking and backpacking with his family, is an accomplished amateur photographer, plays the cello, draws and occasionally is a classical music DJ. He regularly presents at continuing legal education seminars at the annual meeting of the New Mexico State Bar and other venues on various topics in alternative dispute resolution.

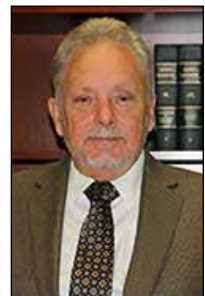
HON. JOHN A. DEAN, JR. was appointed to the Commission by the New Mexico Supreme Court in July of 2015. Judge Dean has been a District Judge in the Eleventh Judicial District (McKinley and San Juan Counties) since 2003. Judge Dean served two terms as Chief Judge of the Eleventh. He earned his undergraduate degree and his law degree from the University of New Mexico. After graduation he practiced for several years in Albuquerque before moving home to Farmington, where he had a private practice for twenty-four years. He served eight years as Domestic Violence Commissioner and three years as Domestic Relations Hearing Officer. Prior to being appointed to the bench he served one term as a San Juan County Commissioner, three years as the chair and was elected President of the New Mexico Association of Counties, the Northwest New Mexico Council of Governments, and appointed to numerous other boards and committees. Judge Dean is married to Gayle and has two children and two grandchildren.



HON. STEVEN O. LEE was appointed to the Commission by the New Mexico Supreme Court in July 2013. A native New Mexican, Judge Lee is a former Marine and Vietnam veteran and was awarded the Purple Heart. Upon discharge from the Marine Corps, he attended New Mexico State University and graduated with an associate degree in criminal justice, and studied law at Taft University School of Law. He began working with the Alamogordo Department of Safety and retired as Chief in 1998. He was elected Municipal Judge of Alamogordo in 2002 and is now in his fourth term. Judge Lee is a past President of the Municipal Judges Association and serves as Chair of the Education Committee. He has been appointed by the New Mexico Supreme Court to serve on the Judicial Education and Training Advisory Committee, the Rules Committee for Courts of Limited Jurisdiction, and is the first Municipal Judge to be appointed to the Judicial Standards Commission.



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



Bill believes in a strong commitment to the State and community, and has served on numerous Boards and Committees. In addition to his current service to the New Mexico Judicial Standards Commission, he has previously enjoyed working with and for, the University of New Mexico, New Futures School, United Way of America, United Way of New Mexico, Greater Albuquerque Chamber of Commerce, Albuquerque Hearing and Speech Language Center, and All Faiths Receiving Home to name a few. With family and friends, in business or community service, Bill approaches his involvement with the highest regard to both personal and professional ethics.

HON. MAURINE LANEY was appointed to the Commission by the New Mexico Supreme Court in July 2015. Judge Laney has served as a Magistrate Judge in the Grant County Division I Court in Silver City, New Mexico since 2011. Judge Laney began her career in the magistrate courts, fresh out of high school in 1992 as a court clerk, and over the last 24 years has held the positions of judicial specialist, DWI clerk, Warrant Enforcement Specialist, and was Court Manager from 2004 to 2010. She is a member of the Judicial Education Center's training faculty, where she has taught workshops on Civil Case Processing, Advanced Civil Procedures, Landlord Tenant, and Domestic Violence cases at the New Mexico Judicial Education Center's Magistrate Clerks' Conference, Magistrate Judges' Conference, and New Judge Training. She is a board member of the New Mexico Magistrate Judges' Association, and currently serves on the Judicial Personnel Rules Committee, and Odyssey Judges' User Group Committee. In her local community, Judge Laney also serves on the Grant County Community Health Council, Juvenile Justice Strategic Planning Council, and the Kiwanis Club of Silver City.



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



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



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



of New Mexico Applesseed Board. She previously served as President of the University of New Mexico Alumni Association, President of the Y.W.C.A. of the Middle Rio Grande, and as a member of the Judicial Performance Evaluation Commission for 12 years.

KIMBERLI RONQUILLO-FANNIN was appointed to the Commission by Governor Susana Martinez in May 2016. She has enjoyed a successful career working with the top community leaders in Albuquerque. She has been employed by Farm Credit of New Mexico—the largest agricultural lender in the state—for almost five years as an Assistant Vice President, supporting the executive team and the Board of Directors as the Executive Assistant/Corporate Secretary. Prior to that, she was with Wells Fargo Bank for almost 30 years. During the last 15 years of her tenure at Wells Fargo, she was an Assistant Vice President, supporting the Regional President. She has volunteered as a CASA (Court Appointed Special Advocate), has organized various fund raisers, recognition events, and served on many school boards. Her two amazing children are her proudest accomplishment.



MALINDA WILLIAMS was appointed to the Commission by Governor Susana Martinez in July 2014. She has been employed since 1994 with Community Against Violence, Inc. (CAV), a progressive, successful non-profit agency located in Taos County serving adult and child survivors of sexual and domestic violence, and child abuse in northern New Mexico. For the last 19 years she has been the organization’s executive director. During her career, Ms. Williams has served on numerous boards and commissions, often in a leadership position, and has presented at state and national forums and conferences. She continues to be active in local and statewide committees, planning groups, and councils working on issues pertaining to social justice, coalition building, and community organizing to find solutions for ending domestic and sexual violence and child abuse.



CHAIRS OF THE COMMISSION

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

EXECUTIVE DIRECTORS OF THE COMMISSION

RANDALL D. ROYBAL, ESQ.
August 2009–Present

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

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

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

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



COMMISSION STAFF MEMBERS

EXECUTIVE DIRECTOR & GENERAL COUNSEL

RANDALL D. ROYBAL, ESQ. joined the Commission staff in February 1998 and serves as Executive Director, General Counsel, and Chief Financial Officer. Mr. Roybal is a past president of the Association of Judicial Disciplinary Counsel (the international professional association of judicial disciplinary agency directors, counsel, investigators, and staff) having been elected to and served for three terms. He also served as vice-president from 2009-2011 and as a member of the board since 2007 to present. Mr. Roybal is a frequent presenter at judicial education programs concerning judicial conduct and ethics issues at national, regional and local programs. He also been a licensed member of the New Mexico Bar since 1991. Prior to his work in judicial ethics and discipline, Mr. Roybal served as an Assistant Attorney General to New Mexico Attorney General Tom Udall where he conducted defense litigation, administrative licensing prosecutions before state boards and commissions, judicial writ defense, and complex prison reform litigation. Before entering public service, Mr. Roybal practiced law privately for five years, first as an associate at an insurance defense firm then as a solo practitioner. He earned his undergraduate degree in economics in 1988 from the University of New Mexico where he was a Presidential Scholar, and his law degree in 1991 from the University of Notre Dame where he was the top placing member of the National Moot Court Team.



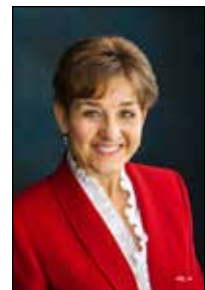
SENIOR INVESTIGATIVE TRIAL COUNSEL

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



INVESTIGATIVE TRIAL COUNSEL

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



degree in counseling and personnel services from the University of Maryland—European Division in 1984, and a juris doctor degree from the University of New Mexico School of Law in 2008. Before becoming an attorney, Ms. Borio served over 23 years in the United States Air Force as a Security Police/Security Forces officer and commanded several military police organizations.

PARALEGAL

EVONNE SANCHEZ joined the Commission in 2004 as Paralegal. She earned her paralegal certificate from the University of New Mexico in 1996 and has been an active member of the Paralegal Division of the State Bar of New Mexico since 2000. She is the former Chair of the Paralegal Division for 2012 and served as Chair on the Committee for Continuing Legal Education programs from 2008-2014. She served on the State Bar of New Mexico Board of Bar Commissioners for 2012 and 2013. She was a member of the Awards Committee for the State Bar annual meeting and serves on the Supreme Court Commission on Professionalism. She is a member of the Association of Judicial Disciplinary Counsel. Ms. Sanchez is a native New Mexican and has legal assistant and paralegal experience spanning over 27 years. Prior to joining the Commission staff, the majority of Ms. Sanchez’ legal work was performed as a paralegal and office manager for an Albuquerque law firm specializing in criminal defense. Ms. Sanchez also has substantial experience in the areas of personal injury and civil litigation.



CLERK OF THE COMMISSION & PARALEGAL

SHARIESSE T. MCCANNON joined the Commission staff in 2004 and serves as Clerk of the Commission & Paralegal. She also serves as Human Resources Manager. Ms. McCannon graduated from Eldorado High School in Albuquerque, attended the University of New Mexico, and earned her diploma in Computer Information Systems from Albuquerque Technical-Vocational Institute in 1981. Ms. McCannon earned her Accredited Legal Secretary (ALS) certificate in 1995 from the National Association of Legal Secretaries, for which she later taught legal assistant courses and organized court clerk workshops. She has experience as a legal assistant and paralegal, including extensive trial experience, dating back to 1990. Prior to joining the Commission, Ms. McCannon was employed as a paralegal for a prominent Albuquerque 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.



DEPUTY CHIEF FINANCIAL OFFICER

KRISTA M. GIANES-CHAVEZ joined the Commission staff in 2005 as Paralegal/Financial Specialist and currently serves as Deputy Chief Financial Officer. She earned an associate of applied science degree in paralegal studies from the Albuquerque Technical Vocational Institute in 2006. She has been an active member of the Paralegal Division of the State Bar of New Mexico since 2010. She was elected to the Paralegal Division Board in 2010 and served until she was elected Chair in 2013. Krista was chair to the Membership Committee (2012-2014), Professional Development Committee (2012-2014) and CLE Co-coordinator (2010-2014). She served as Immediate Past Chair of the Paralegal Division in 2014. In 2014 Ms. Giances-Chavez had the pleasure of serving as a Board of Bar Commissioner, where she was also a member on the awards committee. In 2013 she joined with the Young Lawyers Division to begin a monthly Veteran’s Initiative Clinic, which is still going strong



today. In 2007 she was appointed to the Paralegal Advisory Committee for Central New Mexico Community College and continues to serve to date. Ms. Ganes-Chavez has also been a member of the Association of Government Accountants (AGA) since 2009, and became a Chapter Executive Committee member in 2015. She is currently serving on the AGA board as Historian. Prior to joining the Commission, she served for three years as a court clerk to Hon. Marie Baca of the Second Judicial District Court, Children's Court Division.

INVESTIGATION & CLERK SPECIALIST

SUSAN M. TORRES joined the Commission staff in February 2014 as the Law Office Specialist and in January 2016 she was promoted to the Commission's Investigation & Clerk Specialist. She graduated from Cibola High School in 1998 and earned her associates degree in Paralegal studies from Metropolitan College in 2002. Prior to the Commission, Ms. Torres worked for the Second Judicial District Attorney's Office since March of 2006, and served the community as a Felony Victims Advocate, helping victims and their families through the court system. She worked primarily in the Crimes Against Children division and as the Sexual Assault Advocate for all cases reported in Bernalillo County. She attended numerous conferences, seminars and workshops in those areas of crime, as well as participated in a Multi-Disciplinary Team for Bernalillo County to bring awareness to and prevention of sexual assaults. As part of her work, Ms. Torres was a Primary On-Call Advocate who worked alongside the Albuquerque Police Department, the Bernalillo County Sheriff's Department and the New Mexico State Police, to deliver death notifications and information to the families of homicide victims. She also worked briefly as a Trial Court Administrative Assistant for both the Bernalillo County Metropolitan Court and the Second Judicial District Court.





ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

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



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

The Commission's jurisdiction extends over complaints made against currently serving Justices of the Supreme Court and all other judges within the state judicial branch, including the Court of Appeals, district courts, metropolitan court, magistrate courts, probate courts, and municipal courts. The Commission does not have jurisdiction over special masters, special commissioners, hearing officers, federal judges, Workers'

Compensation Administration judges, other administrative law judges, or attorneys. When necessary, the Commission holds evidentiary hearings (trials) and, if allegations are proven, recommends appropriate sanctions to the New Mexico Supreme Court.

CONFIDENTIALITY

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

The New Mexico Supreme Court's files and hearings are accessible to the public unless sealed 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 not notified of frivolous or unsubstantiated complaints, or complaints that are extra-jurisdictional or appellate in nature. Such cases are typically dismissed after review by the Commission.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

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

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



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

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

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

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

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

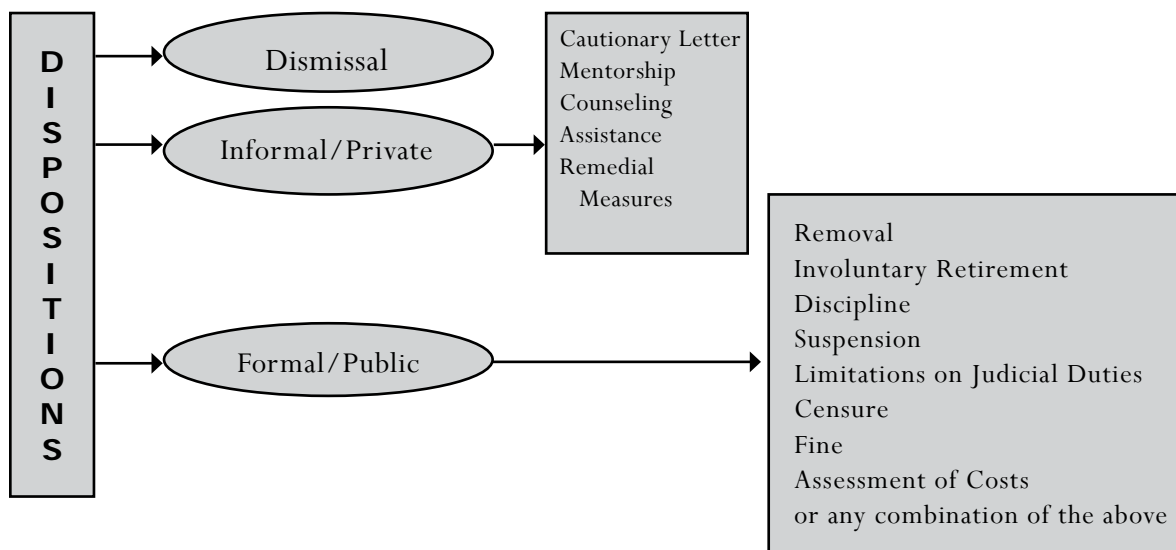
sion’s jurisdiction attaches and is not affected by subsequent resignation or termination from office. The judge’s answer to the Notice of Formal Proceedings shall be in writing and verified.

Upon filing and issuance of the Notice of Formal Proceedings, the Commission will set the matter for hearing on the merits. The Commission may hear the case itself or appoint three judges as special masters to hear the matter, take evidence, and report their findings to the Commission. The formal hearing is a closed hearing. The judge has a right to and is given a reasonable opportunity to defend with evidence, to be represented by counsel, and to examine and cross-examine witnesses. The standard of proof is clear and convincing evidence. At least seven Commissioners must agree on a determination of misconduct and in recommending removal, retirement or discipline of a judge to the New Mexico Supreme Court.

If the Commission determines at any time prior to the conclusion of the formal proceedings that there is insufficient evidence to support allegations against the judge, those allegations will be dismissed. In some cases, the Commission has found evidence of wrongdoing, but has determined that the judge’s actions were the result of misunderstanding, rather than willful misconduct. In those situations, the judge may be referred for counseling to the Supreme Court or to a judge having supervisory authority.

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

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



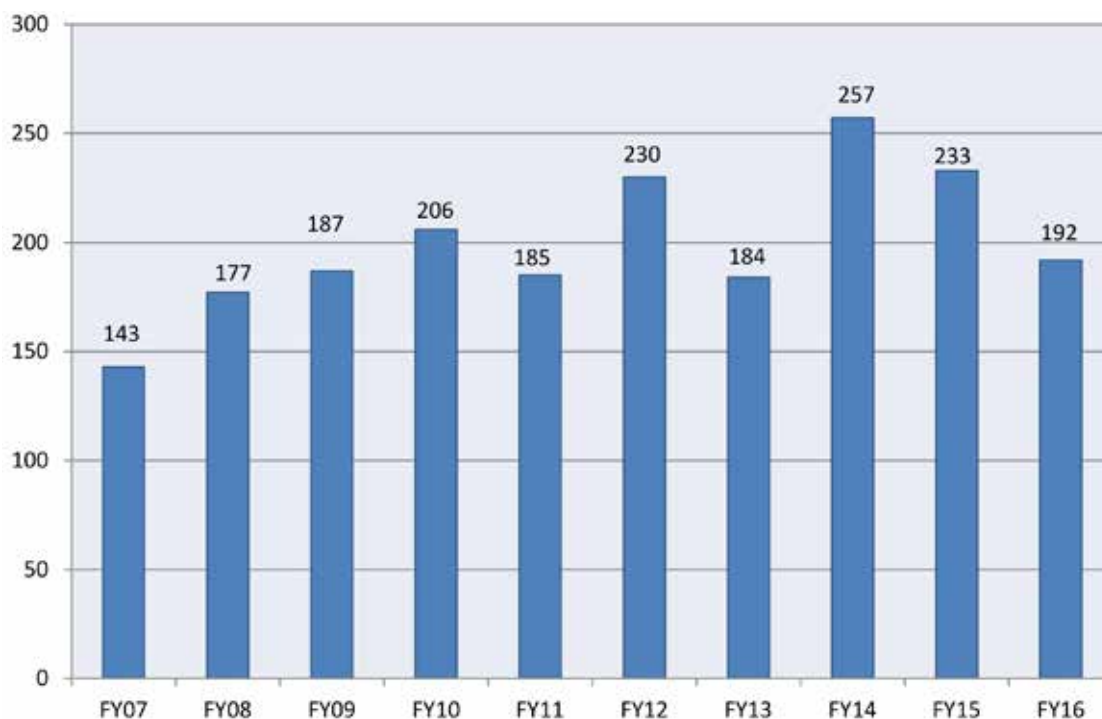


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2015–JUNE 30, 2016

COMPLAINTS RECEIVED

In FY 2016 the Commission received 192 written complaints which is comprised of 139 verified complaints (includes Commission-initiated and reopened inquiries) and 53 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS

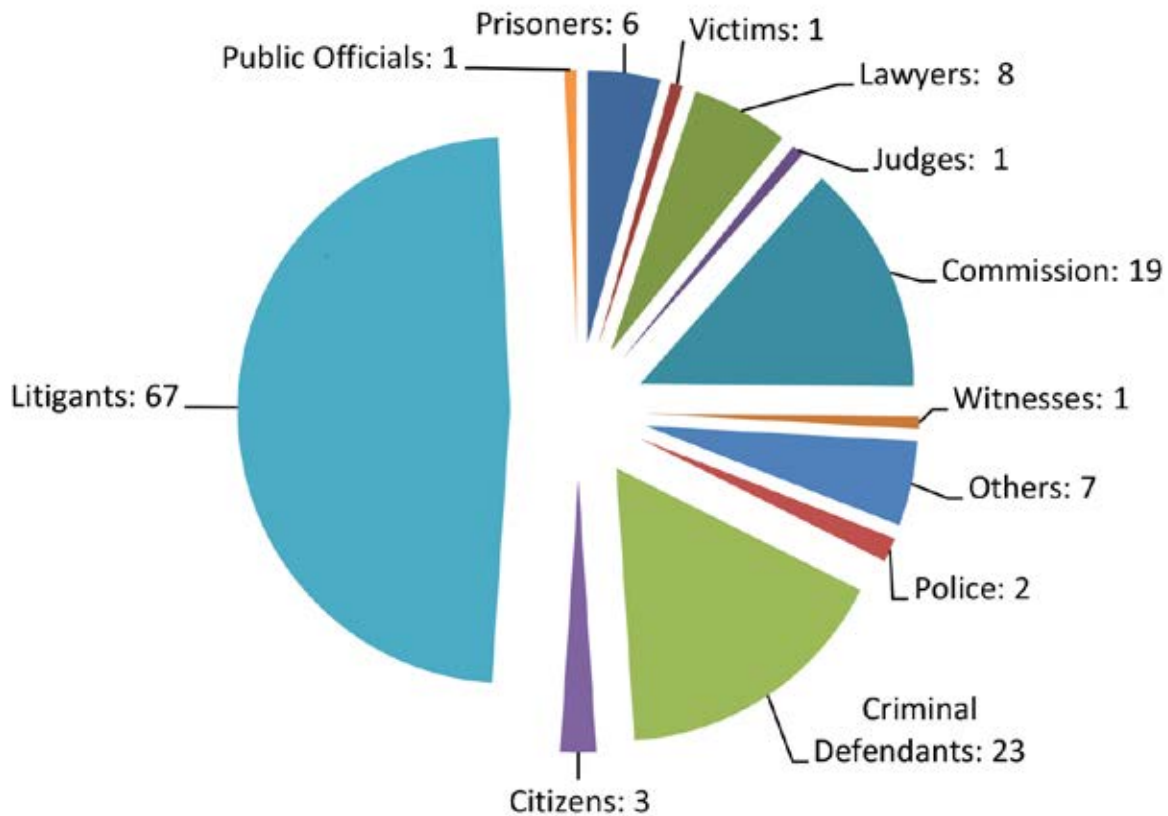


The Commission has an established pre-screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are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

SOURCES OF VERIFIED COMPLAINTS

Of the 139 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, 23 by criminal defendants or their family/friends, 3 by citizens, 1 by public officials, 8 by lawyers, 1 by judges, 2 by police, 0 by news media, 6 by prisoners, 1 by witnesses, 1 by victims and 7 by others. Additionally, 19 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



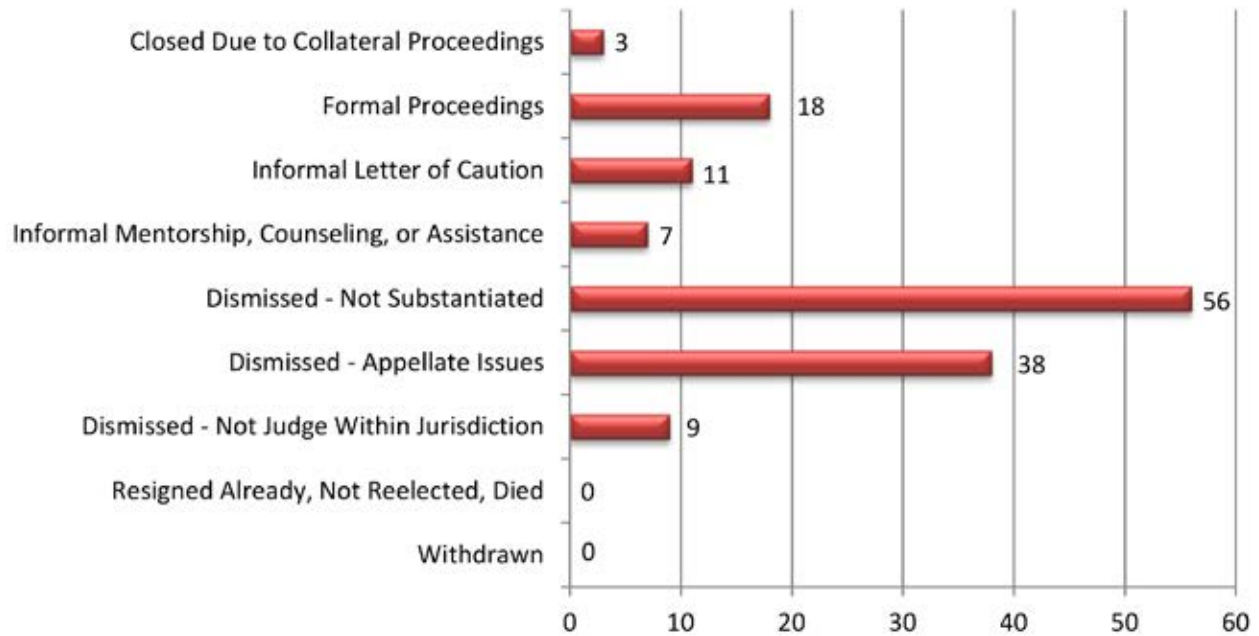
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	CASELOAD %
Supreme Court	1	0.7%
Court of Appeals	0	0.0%
District Court	82	59.0%
Metropolitan Court	3	2.2%
Magistrate Court	29	20.9%
Municipal Court	19	13.6%
Probate Court	3	2.2%
Not a Judge	2	1.4%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY16 (July 1, 2015)	40
New Written/Verified Complaints and Inquiries in FY16	139
Inquiries Concluded in FY16	(142)
Inquiries Pending at End of FY16 (June 30, 2016)	37

Of the 139 cases disposed in FY 2016, the Commission concluded 18 cases (involving 9 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 11 informal letters of caution. 38 cases were dismissed as appellate, 9 cases because they concerned individuals beyond the Commission’s jurisdiction, and 56 cases as unsubstantiated. In 7 cases involving 6 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. No cases were closed because the judges died, resigned, or were not re-elected, and 3 matters were closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2016 case dispositions.

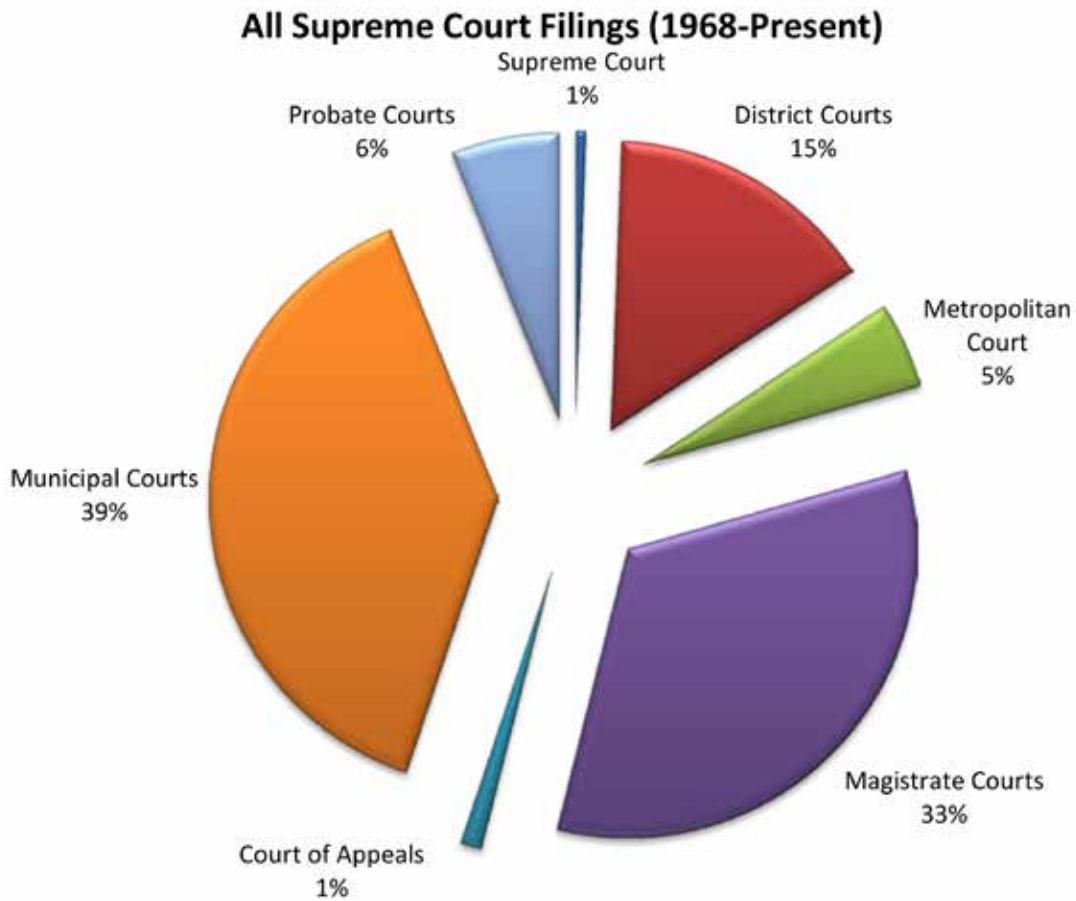


HISTORICAL CASES FILED IN THE SUPREME COURT

From July 1, 1968 through June 30, 2016, the Commission filed 160 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 129 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the State’s highest court. Of the judicial branches concerned, the Commission’s petitions to the Supreme Court involved the following levels of the State Judiciary in order of the most filings: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and Supreme Court.

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

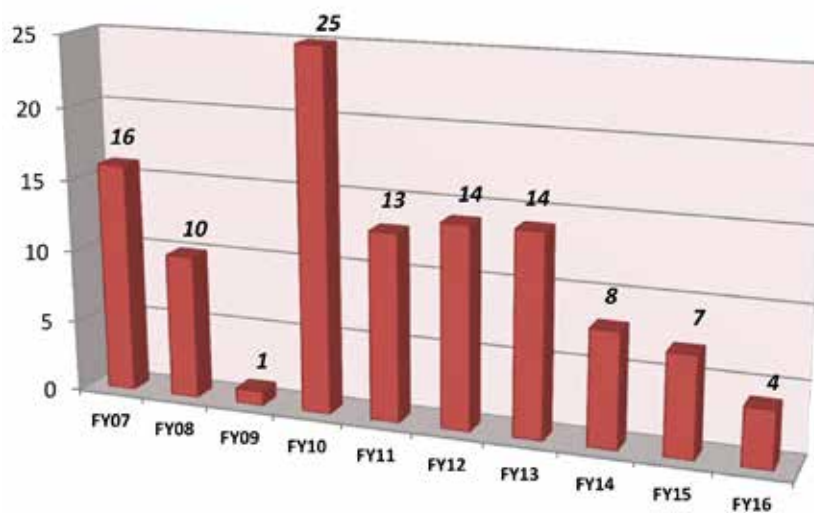
HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2016, 4 cases concerning 2 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 185 cases concerning 87 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:

PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE



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, 2016, the Commission has informally disposed of 412 case files. The following tables illustrate the distribution of the informal cautionary letters and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (296 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.3%
Court of Appeals	2	0.7%
District Court	82	27.8%
Metropolitan Court	30	10.1%
Magistrate Court	107	36.1%
Municipal Court	70	23.6%
Probate Court	4	1.4%

MENTORSHIPS (99 CASES)

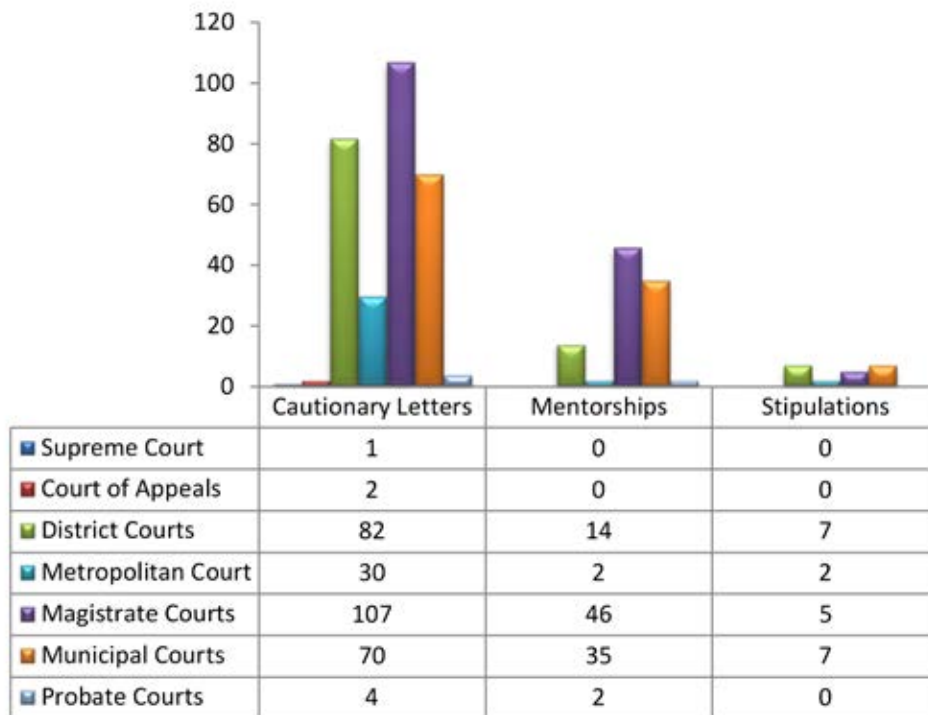
JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL MENTORSHIPS
Supreme Court	0	0.0%
Court of Appeals	0	0.0%
District Court	14	14.2%
Metropolitan Court	2	2.0%
Magistrate Court	46	46.4%
Municipal Court	35	35.4%
Probate Court	2	2.0%

CONFIDENTIAL STIPULATIONS

In addition to confidential letters of caution and referrals to the mentorship program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2016, 4 cases involving 3 judges were disposed through confidential stipulation. Historically, the Commission has disposed of 17 cases through such stipulations.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS

HISTORICAL SUMMARY OF INFORMAL CASE DISPOSITIONS





PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2015–JUNE 30, 2016

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 informal cautionary letters to the judges or by referring the judges to the Commission’s informal mentor program.



See the referenced rules on the JSC website under Resources > Governing Provisions of Law.

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

In May 2011, the Supreme Court amended its rule governing this matter. The Court requires in 27-104(B) NMRA that “[t]he contents, the fact of filing, and any other information about any request for temporary suspension, stipulated discipline, or interim relief shall remain confidential until the Court determines that confidentiality is no longer required and enters an unsealing order on its own initiative or grants a motion to unseal pursuant to Paragraph I of Rule 12-314 NMRA.” The Court further changed its docket sheets in sealed matters so they only include the case number and reference to sealed pleadings without specific title information. The Court also has codified that “[a]ny person or entity who knowingly discloses any material obtained from a court record sealed pursuant to this rule may be held in contempt or subject to other sanctions as the Court deems appropriate.”

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

FORMAL PROCEEDINGS

In FY 2016, the Commission concluded 18 cases involving 11 judges by formal proceedings before the Commission and/or the New Mexico Supreme Court. Below are summaries of all formal, non-confidential proceedings filed and on public record with the Supreme Court with events occurring in and/or completed in FY 2016. Formal proceedings that remained confidential are not included below.

MATTER OF HON. MICHAEL G. RAEL, SR.

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 response 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:

1. On March 02, 2011 a criminal complaint was filed in Respondent's court in the matter of Village of Questa vs. 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.
2. Respondent claims that in an effort to prevent further conflict between the two parties, he issued a "Temporary Restraining Order" (TRO). Respondent admits that he was without jurisdiction to issue the TRO.
3. Respondent agrees 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 agrees the conduct amounts to willful misconduct as defined by law.
4. 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 vs. Thomas Chavez.
5. 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 admits that the hearing amounted to an ex parte proceeding in violation of the Code of Judicial Conduct.

6. Respondent agrees that conducting the hearing was a knowing and intentional act. Respondent agrees the conduct amounts to willful misconduct as defined by law.
7. On March 25, 2011, Respondent issued an Order to Show Cause in Village of Questa vs. 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.
8. 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.”
9. 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 (Tommy) Chavez, Respondent backdated a document entitled “temporary restraining order” to March 02, 2011, but the order was not actually filed until March 31, 2011.
10. On or about March 31, 2011, in cause number 11-0206, Village of Questa v. Thomas (Tommy) Chavez, Respondent had ex parte communication with Julian Cisneros regarding Mr. Cisneros’s position on a temporary restraining order, without giving notice or opportunity to be heard to Thomas Chavez, a party in cause number 11-0206.
11. Respondent agreed to accept and the Commission recommended that the Supreme Court impose the following formal discipline upon the Respondent:
 - A. Twelve-Month Supervised Probation and Formal Mentorship. Respondent agrees 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. Respondent agrees 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 agrees 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 agrees to attend all sections and complete the National Judicial College’s course entitled Ethics, Fairness and Security in Your Courtroom and Community to be held October 22-25, 2012 in Reno, Nevada. Respondent shall pay all costs, including travel and tuition, associated with attending and completing these courses at the National Judicial College. Respondent shall provide proof to the Commission that he attended and completed these courses.

Judge Rael completed the National Judicial College course entitled Ethics, Fairness and Security in Your Courtroom and Community which was held October 22-25, 2012.

The Supreme Court issued an order on June 15, 2012 accepting the Petition to Accept Stipulation Agreement and Consent to Discipline. On July 23, 2012, the Supreme Court adopted the Commission's recommendation and appointed Hon. Ann Yalman, Santa Fe Municipal Court Judge, to serve as Judge Rael's mentor and probation supervisor. The Supreme Court issued the Formal Reprimand to Judge Rael on October 3, 2012.

Judge Rael timely completed the required courses at the National Judicial College, but remained on unsupervised mentorship and probation through March 2016. Judge Rael successfully completed the period of unsupervised probation and the case was subsequently closed.

MATTER OF HON. DAVID RAMOS, SR.

Hurley Municipal Court

JSC Inquiry No. 2014-094

Supreme Court Docket No. 34,884

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

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

- A. Public censure, which shall be published in the New Mexico Bar Bulletin.
- B. Formal mentorship. The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of ex parte communications, vouching for/acting as a character witness in legal proceedings, and abusing the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to be issued during the period of mentorship, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in formal proceedings.
- C. Unsupervised probation for a period of one (1) year. Following Respondent's anticipated successful completion of a formal mentorship, Respondent will be on unsupervised probation for a period of one (1) year. The one-year probationary period will commence upon conclusion of the mentorship on the day the Commission files the final mentor report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a Notice of Formal Proceedings in another inquiry to be issued during the period of unsupervised probation, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in probation revocation and formal proceedings.

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

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

On February 11, 2016, the Supreme Court issued its Public Censure. The Public Censure was published in the March 2, 2016 issue of the New Mexico Bar Bulletin.

Judge Ramos successfully completed his one (1) year of unsupervised probation on May 10, 2016. The Commission subsequently closed this matter.

MATTER OF HON. SHARON C. TORRES

Bernalillo Municipal Court

JSC Inquiry No. 2013-077

Supreme Court Docket No. 34,601

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

On March 3, 2015, Judge Torres and the Commission entered into a Stipulation Agreement and Consent to Discipline. That same day the Commission filed a Motion to Accept Stipulation Agreement and Consent to Discipline with the Supreme Court. The Motion detailed the specific acts and conduct, which fell into the following categories: mismanagement of public funds, failure to arraign, failure to submit abstracts of record to MVD, failure to recuse, due process violations, failure to ensure bench warrants were properly cleared, failure to impose mandatory minimum sentence, inaccurate reporting procedures for fines, appearance of impropriety, ex parte communications, failure to exercise judicial responsibilities, and failure to supervise.

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

1. **Formal mentorship with supervised probation for the remainder of Respondent's term of office.** The Judicial Standards Commission will recommend the mentor/probation supervisor for the Supreme Court's approval and appointment. The mentorship/ supervised probation shall begin upon the Supreme Court's appointment of the mentor/probation supervisor and shall be in effect for the remainder of Respondent's term, which concludes in March 2016. The mentor/

probation supervisor shall report on the progress and outcome of the mentorship and probation program to the Supreme Court and the Commission.

2. **Training.** Respondent shall review the 40-hour videotaped New Municipal Judges Orientation program provided by the Judicial Education Center and promptly submit written certification to the Supreme Court and the Commission upon completion. Respondent shall complete this review within six (6) weeks of the date the Supreme Court issues its Order granting the Commission's Motion to Accept Stipulation Agreement and Consent to Discipline.

In addition, Respondent will promptly:

1. Coordinate with the Town of Bernalillo Finance Department/Town Treasurer to obtain hands-on training for the court clerks, as soon as practicable, to include:

a) Remedial training from Incode on correct use of financial modules and programs; and,

b) Remedial finance training, to include statutory requirements and the municipality's mandatory processes and procedures.

2. Work with her assigned mentor/probation supervisor to obtain, and ensure successful completion of, remedial training for her clerks on their duties and responsibilities, to include statutory requirements and prohibited actions.

3. Work with her assigned mentor/probation supervisor to develop and implement written procedures/checklists/policies to address, as a minimum: file management, financial processes, and the clerks' duties and responsibilities, to include statutory requirements.

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

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

On August 13, 2015, the Commission received the first quarterly mentor/probation supervisor report from Judge Olean. The Mentor/Probation Supervisor's First Quarterly Report was filed with the Supreme Court on August 17, 2015. Judge Olean's second quarterly mentor probation supervisor report was received on November 12, 2015, and filed with the Supreme Court on December 2, 2015.

Judge Torres' period of formal mentorship and supervised probation was in effect until the conclusion of her current term of office in March 2016. On March 11, 2016, Judge Olean submitted her final report, outlining the changes made and lauding Judge Torres for her outstanding work and improvements made at the Court. The Mentor/Probation Supervisor's Final Report was filed with the Supreme Court on March 14, 2016. The Commission subsequently closed this matter.

MATTER OF HON. JACQUELINE D. FLORES

Second Judicial District Court

JSC Inquiry No. 2013-109

Supreme Court Docket No. S-1-SC-35625

On December 17, 2013, the Commission issued a Notice of Preliminary Investigation to Judge Flores; the Judge filed her response on January 8, 2014. On April 8, 2014, the Commission issued a Notice of Formal Proceedings. On April 28, 2014, Judge Flores filed her Verified Response to Notice of Formal Proceedings. Trial in the matter was set for December 8, 2014, but was later continued.

On April 14, 2015, the Commission conducted a trial on the merits in the matter and found that by clear and convincing evidence that Judge Flores committed willful misconduct in office by misrepresenting her identity when called by a police detective to review an arrest warrant and by refusing to review the warrant when she was the on-call judge. The finding of willful misconduct established grounds for discipline as set forth in Article VI, Section 32 of the New Mexico Constitution. The Commission also found that Judge Flores violated Rules 21-101, 21-102, 21-201, and 21-205(A) of the Code of Judicial Conduct. Following their findings in the adjudicatory phase of the evidentiary hearing on the merits, the Commission conducted the penalty phase and, upon deliberation and the unanimous vote of the ten participating members, made three additional findings, which were that Judge Flores:

1. demonstrated a lack of credibility in her dealings with the Commission;
2. failed to take responsibility for the actions found by the Commission to comprise willful misconduct; and,
3. demonstrated a lack of remorse for the actions found by the Commission to comprise willful misconduct.

On August 6, 2015, before the conclusion of the Commission's formal proceedings, Judge Flores, who was the Respondent, filed as the Petitioner with the Supreme Court a Verified Petition for Extraordinary Writ Pursuant to NMRA 12-504; the Judge's Petition was not filed under seal. On August 7, 2015, the Commission filed an Emergency Motion to Immediately Seal Petitioner's Verified Petition for Extraordinary Writ Pursuant to NMRA 12-504: the New Mexico Constitution Article VI, Section 32, which mandates confidentiality; Supreme Court Rule 27-104(B), which expressly states that "any papers filed in the Supreme Court before the conclusion of formal proceedings in the Commission shall be automatically sealed from public access and shall not be disclosed to anyone other than Court personnel, the parties to the proceeding, and their counsel, without further order of the Court;" and, Rule 8(A) of the Judicial Standards Commission's Rules, which mirrors the language in the New Mexico Constitution. On August 10, 2015, Judge Flores filed her Response to Emergency Motion to Immediately Seal Petitioner's Verified Petition for Extraordinary Writ Pursuant to NMRA 12-504. On August 14, 2015, the Supreme Court issued its Order denying Judge Flores' Petition and granting the Commission's Emergency Motion to seal.

On August 18, 2015, the Commission filed its Findings of Fact, Conclusions of Law and Recommendation for Discipline. On August 20, 2015, the Commission filed its Petition for Discipline with the Supreme Court and recommended the Supreme Court impose the following discipline:

- Public censure, to include a recitation of all of the discipline imposed by the New Mexico Supreme Court herein;

- Additional training to include the online course from the National Judicial College entitled, "Ethics and Judging: Reaching Higher Ground," to be completed at Judge Flores' expense during the next period it is offered, with completion reported to the Commission;
- Unsupervised probation for a period of two (2) years, during which any violation of the terms of discipline imposed or a further finding of willful misconduct in office shall constitute a violation of probation;
- Conditional suspension from office without pay for a period of sixty (60) days, to be imposed only upon a violation of probation; and,
- A fine of \$1,000 to be paid no later than sixty (60) days after the entry of the order of the New Mexico Supreme Court imposing discipline.

On August 24, 2015, the Judge filed her Response to Petition for Discipline with the Supreme Court.

After review of the pleadings and consideration of oral argument from the parties on October 13, 2015, the Supreme Court denied the Commission's Petition for Discipline. On de novo review, the Court found insufficient evidence to support the Commission's findings, conclusions and recommendation. The matter was subsequently closed.

IN THE MATTER OF JAMES T. LOCATELLI
Las Cruces Municipal Court
JSC Inquiry Nos. 2004-73, 2004-81, 2010-135
Supreme Court Docket No. S-1-SC-29508

The Commission and former Las Cruces Municipal Judge James Locatelli entered into a Stipulated Agreement to Permanent Resignation in Lieu of Further Disciplinary Proceedings on November 1, 2010. The Supreme Court approved Judge Locatelli's stipulation to permanent resignation on November 20, 2010. Locatelli filed a Motion Seeking Rescission of Order of Permanent Resignation and Prohibition against Seeking Judicial Office on September 17, 2015 with the Supreme Court, alleging, inter alia, his rehabilitation. The Commission filed a response, and on October 13, 2015 the Court denied Judge Locatelli's motion without a hearing.

IN THE MATTER OF WILLIAM H. BROGAN
Twelfth Judicial District Court
JSC Inquiry Nos. 2011-145, 2012-121
Supreme Court Docket No. S-1-SC-34167

The Commission and former Twelfth Judicial District Court Judge William Brogan entered into a Stipulated Agreement to Permanent Resignation in Lieu of Further Disciplinary Proceedings on May 22, 2013. The Supreme Court granted the stipulation to permanent resignation on May 24, 2013. Brogan filed a Motion to Withdraw Order and to Dismiss with the Supreme Court on October 8, 2015 alleging, inter alia, ineffective assistance of counsel. The Supreme Court denied Judge Brogan's motion without a hearing on October 28, 2015.

MATTER OF HON. SARAH SINGLETON

First Judicial District Court

JSC Inquiry No. 2015-049

Supreme Court Docket No. S-1-SC-35410

On April 21, 2015 the Commission issued a Notice of Preliminary Investigation to First Judicial District Court Judge Sarah Singleton, requiring Judge Singleton to respond to the allegation that she permitted and engaged in ex parte communications involving substantive matters with an attorney in a case pending before the Judge, and that this conduct created an appearance of impropriety. Judge Singleton filed her response on May 11, 2015. On June 8, 2015, the Commission issued a Notice of Formal Proceedings.

On July 8, 2015, the Commission and Judge Singleton entered into a Stipulation Agreement and Consent to Discipline, in which Judge Singleton admitted to the conduct and admitted to violating Rules 21-101, 21-102, 21-209(A), and 21-210(A) of the Code of Judicial Conduct.

In stipulating to discipline, the following non-exclusive factors in Judicial Standards Commission Rule 30 NMRA 2010 were considered by the Commission:

- a. the misconduct was an isolated instance;
- b. the misconduct occurred in Respondent's official capacity;
- c. the misconduct created a highly publicized appearance of impropriety, which reflects adversely on the judiciary;
- d. Respondent immediately took corrective action and disclosed the ex parte communications to all parties;
- e. Respondent showed remorse, was candid and truthful with the Commission, and fully cooperated with the Commission; and,
- f. Respondent is a well-respected judge with an excellent reputation and has no history of discipline by the Supreme Court.

Judge Singleton consented to the imposition of the following discipline by the Supreme Court: a public censure, which shall be published in the New Mexico Bar Bulletin.

On July 15, 2015, the Commission's Petition to Accept Stipulation Agreement and Consent to Discipline was filed with the Supreme Court. On February 11, 2016, the Supreme Court issued its order, which served as the public censure, granted the Petition, and unsealed the file.

The Supreme Court's Order and Public Censure was published in the March 2, 2016 New Mexico Bar Bulletin. The Commission subsequently closed this matter.

IN THE MATTER OF HON. LUIS QUINTANA

Corrales Municipal Court

JSC Inquiry Nos., 2015-024, 2015-025, 2015-026

Supreme Court Docket No. S-1-SC-35549

On October 6, 2015, the Commission issued a Notice of Preliminary Investigation to Judge Quintana and filed a Petition for the Immediate Temporary Suspension of Judge Quintana with the Supreme Court. Judge Quintana failed to file a timely response to the Notice of Preliminary Investigation after which the Commission issued an Amended Notice of Preliminary Investigation to include an allegation that

Judge Quintana failed to cooperate with the Commission. The Supreme Court issued an order for Judge Quintana to submit a timely response to the Petition on or before November 2, 2015. Judge Quintana filed an untimely response on November 6, 2015.

The petition provided in part:

- A. It has been alleged that while serving as a municipal court judge you knowingly made a false statement of material fact in connection with a Disciplinary Board matter regarding placement of funds in a trust account.
- B. It has been alleged that while serving as a municipal court judge you failed to give full cooperation and assistance to Disciplinary Board counsel by failing to comply with rules or orders of the Disciplinary Board.
- C. It has been alleged that you failed to comply with the Supreme Court's order dated March 23, 2015 to file a timely response to the Disciplinary Board's recommendation.
- D. It has been alleged that you misappropriated a client's Workers' Compensation settlement funds and converted those funds for use other than to benefit the client, and have failed to make full restitution to the client as ordered.

Oral argument was held on January 11, 2016 at which time the Supreme Court temporarily suspended Judge Quintana without pay.

Judge Quintana and the Commission entered into a Stipulation Agreement to Permanent Resignation in Lieu of Further Disciplinary Proceedings on February 1, 2016. The Commission filed a motion to accept the Stipulation with the Supreme Court on February 2, 2016, which the Court granted on February 15, 2016. Judge Quintana resigned permanently on February 15, 2016, and the Judicial Standards Commission closed the matter.

MATTER OF HON. DELILAH MONTANO-BACA
Sandoval County Magistrate Court
JSC Inquiry No. 2015-048
Supreme Court Docket No. S-1-SC-35734

On April 30, 2015, the Commission issued a Notice of Preliminary Investigation to Judge Delilah Montano-Baca. Judge Montano-Baca filed her response on May 19, 2015. On July 30, 2016, the Commission issued a Notice of Formal Proceedings to Judge Montano-Baca, to which she responded on August 26, 2015.

Judge Montano-Baca and the Commission entered into a Stipulation Agreement and Consent to Discipline which was filed on February 1, 2016. On February 9, 2016, the Commission filed a Petition to Accept Stipulation Agreement and Consent to Discipline with the Supreme Court. The petition provided in part:

1. **Formal mentorship.** The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of ex parte communication and avoiding the abuse of the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship

shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the code of Judicial Conduct or causes and Notice of Formal Proceedings in another inquiry to be issued during the period of mentorship, formal proceedings in Inquiry No 2015-048 will be initiated and admissions in Inquiry No 2015-048 will be used in formal proceedings.

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

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

A. Respondent initiated ex parte communications with Thirteenth Judicial District Court Judge Cheryl H. Johnston and abused the prestige of judicial office by asking to see Judge Johnston in chambers in an attempt to seek favored and/or expedited treatment for Respondent's son's case. Respondent told Judge Johnston that her son's paternity case was going to come before her and Respondent asked Judge Johnston if she was going to recuse from it. Respondent further told Judge Johnston that if she was going to recuse, she should do so soon.

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

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

Oral argument was held on March 28, 2016, at which time the Supreme Court accepted the Stipulation Agreement and Consent to Discipline subject to: (1) the Commission's submission of a formal mentorship plan which shall be for a period of no less than six (6) months and shall begin upon the appointment of a mentor by the Court; (2) the Commission's recommendation of a judge who is an attorney to serve as Respondent's mentor under the formal mentorship plan; (3) the formal mentorship plan shall include specific goals for Respondent to address her violations of Rules 21-102, 21-103 and 21-204 of the Code of Judicial Conduct; and (4) it was further ordered that the file be unsealed.

The Supreme Court approved the mentor and formal mentorship plan on May 25, 2016. Subsequent reportable events will be reported in the Commission's Annual Report for FY 2017.

IN THE MATTER OF HON. GENE C. GALASSINI

Otero County Magistrate Court

JSC Inquiry No. 2015-074

Supreme Court Docket No. S-1-SC-35791

On August 6, 2015, the Commission issued a Notice of Preliminary Investigation to Judge Galassini to which he responded on August 28, 2015. The Commission issued a Notice of Formal Proceedings to Judge Galassini on December 23, 2015 and the judge filed his response on February 2, 2016. Judge Galassini tendered his resignation to the Supreme Court on February 29, 2016. The Commission and Judge Galassini entered into a Stipulation in Light of Permanent Resignation. A petition to accept the stipulation was filed with the Court on March 8, 2016. The petition provided in part:

- A. Respondent voluntarily resigned from judicial office effective February 29, 2016 in a letter to New Mexico Court Chief Justice Barbara Vigil and prior to a hearing before, and making this Stipulation with the Commission.
- B. The Commission has jurisdiction over the Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; §§34-10-1 through 34-10-4 NMSA 1978, as amended; and the Judicial Standards Commission Rules.
- C. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve pro tempore for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

The Court approved the petition on March 28, 2016, ordering Judge Galassini's permanent resignation and bar from holding judicial office in the future in New Mexico. The Commission subsequently closed this matter.

IN THE MATTER OF CONNIE LEE JOHNSTON

San Juan County Magistrate Court

**JSC Inquiry Nos. 2015-058, 2015-059, 2015-060, 2015-061, 2015-062, 2015-063, 2015-098, 2015-143,
2015-146**

Supreme Court Docket No. S-1-SC-35625

The Commission issued a Notice of Preliminary Investigation and filed a Petition for Immediate Temporary Suspension Without Pay on December 3, 2015. The petition provided in part:

- A. On or about December 1, 2015, Respondent made statements to New Mexico State Police Sergeant James Rempe prior to taking the bench that evidenced Respondent's premeditated intent to have someone arrested. Respondent told Sergeant Rempe words to the effect of, "Stick around, I'm sure someone is going to jail." Sergeant Rempe asked, "Who, prisoners?" Respondent told him, "Whoever." Sergeant Rempe then asked, "Judges?" Respondent replied, "Whoever gives me lip."

B. On or about December 1, 2015, Respondent embarrassed and humiliated San Juan County Magistrate Court Lead Worker Amy Verhulst when in open court Respondent ordered her out of Respondent's courtroom and then held Ms. Verhulst in contempt when she stayed to perform her duties as she was ordered to do by Presiding Judge Barry Sharer.

C. On or about December 1, 2015, Respondent willfully and maliciously held Ms. Verhulst in contempt of court for performing her duties as she was ordered to do by Presiding Judge Barry Sharer. Respondent sentenced Ms. Verhulst to thirty (30) days in jail, set bond at \$1,000 cash only, and ordered her to be immediately arrested without giving her an adequate opportunity to defend or explain her conduct before Respondent imposed punishment.

D. On or about December 1, 2015, Respondent failed to follow the reasonable and lawful orders of Presiding Judge Barry Sharer and attempted to undermine the authority of Judge Sharer when Respondent ordered Amy Verhulst out of Respondent's courtroom.

E. On or about November 23, 2015, Respondent failed to be dignified and courteous to Presiding Judge Barry Sharer and sexually harassed him, specifically, when he told Respondent that court staff believed she was recording her conversations with them. In response, Respondent then lifted up her shirt revealing her undergarments to Presiding Judge Sharer and asked him if he wanted to pat her down. Judge Sharer's inquiry was based on allegations that on or about November 3, 2015 a court clerk walked into her office and witnessed Respondent kneeling behind the clerk's desk. Respondent jumped up, pulled something black from under the desk, and placed the black object in her shirt.

F. On or about November 23, 2015, Respondent failed to perform her judicial duties by leaving the courthouse and abandoning her docket. Presiding Judge Barry Sharer told Respondent on November 19, 2015 that because of her rude behavior towards court staff, two clerks would be in the courtroom with Respondent at all times. On Monday, November 23, 2015, Respondent told Judge Sharer words to the effect of, "I'm not going to work like this," and shortly thereafter left the courthouse leaving her courtroom full of people awaiting the proceedings pending before Respondent that day. That same morning, November 23, 2015, Judge Sharer called Respondent and asked Respondent if she was coming back to work. Respondent replied words to the effect of, "Are you going to have two clerks with me?" Judge Sharer said, "Yes," and again inquired as to whether Respondent was coming in to work. Respondent did not answer Judge Sharer who took Respondent's silence as a no, that she would not be going to work, even though Respondent was the on-call judge for the week.

Respondent knew that Judge Trudy Chase was on vacation and that Presiding Judge Barry Sharer had to leave in the afternoon of November 23, 2015 for a scheduled doctor's appointment. Respondent's actions resulted in Judge Trudy Chase being called in from vacation to cover Respondent's docket that day.

The next day, November 24, 2015, Respondent faxed to Judge Sharer a note from a medical provider excusing Respondent from work from November 23 through November 29, 2015.

G. On or about December 1, 2015, Respondent breached confidentiality imposed by Article VI, Section 32 of the New Mexico Constitution and Rule 8 of the Judicial Standards Rules, and

falsely stated to Steve Garrison, a reporter for the Farmington Daily Times, that all complaints filed with the Judicial Standards Commission have been unfounded.

The Supreme Court suspended Judge Johnston sua sponte, without pay on January 6, 2016. Oral argument was held on February 10, 2016 at which time the Court granted the Commission's petition; ordered the temporary suspension without pay effective as of February 10, 2016; ordered the judge to be reimbursed for any pay withheld from January 6, 2016 to February 10, 2016; and ordered the file unsealed.

This matter was ongoing at the end of FY 2016. Subsequent reportable events will be reported in the Commission's Annual Report for FY 2017.

PROCEEDINGS THAT REMAIN CONFIDENTIAL

In FY 2016 the Commission filed two (2) Petitions for Immediate Temporary Suspension with the Supreme Court concerning judges who were alleged to have committed serious violations of constitutional, statutory, and other obligations. These petitions were in addition to the ones reported elsewhere in this report. After hearing oral arguments of the parties (hearings are open to the public), the Supreme Court denied the petitions and they remained under seal pursuant to the Court's rules, even if the underlying cases are were later, or are now being, addressed by the Commission.

INFORMAL PROCEEDINGS

LETTERS OF CAUTION. The Commission may dispose of a matter by privately cautioning the judge that the conduct alleged may violate the Code of Judicial Conduct. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. However, the Commission was concerned that if true, the conduct may violate or may lead to a violation of the Code if not addressed. In FY 2016, the Commission issued cautionary letters in 11 cases involving 11 judges, which addressed the issues listed below:

1. A judge allegedly made statements during a motion hearing that implied the judge was not impartial in the matter. The judge was cautioned to refrain from making statements that could create the perception that the judge is not impartial or that the judge has predetermined the ruling, and to refrain from making statements that create the appearance of impropriety or are actually improper.
2. A judge held a litigant in direct criminal contempt, but allegedly failed to document the facts and circumstances of the contempt or warnings given and improperly assessed court costs for the contempt, both of which are required by law. The judge was cautioned to document case files and orders to accurately and completely memorialize proceedings, and to comply with all statutory requirements and rules concerning the assessment of court costs.
3. A judge allegedly participated in a discussion with a litigant concerning the litigant's attorney in a pending case. The litigant's attorney was not present, but other attorneys were present during the discussion. The judge was cautioned to refrain from engaging in discussions with litigants and/or attorneys about pending or impending cases that create the appearance of impropriety.

4. A judge accepted a plea agreement and allegedly signed the plea paperwork without ensuring it accurately reflected the terms and the charge and, further, the judge also allegedly failed to provide oversight and guidance to court staff to ensure that the appropriate documents were filed and inappropriate documents were not filed. The judge was cautioned to thoroughly review all plea paperwork to ensure all elements are accurate before signing the documents, and to provide oversight and guidance to court staff to ensure the court files are accurate.

5. A judge allegedly made impermissible public statements about a pending or impending case concerning witnesses, specific procedures, and the basis of the judge's ruling. The judge was cautioned to refrain from engaging in discussions about pending or impending cases, from making public statements about specific procedural issues that may have occurred in a pending case, and from making public statements about the basis for the judge's rulings.

6. A judge allegedly denied due process to a litigant by proceeding with a hearing in which the litigant's attorney was not present due to lack of notice. The judge was cautioned to ensure due process is afforded to litigants and to refrain from proceeding in a hearing when a litigant has legal representation, but their attorney is absent due to lack of notice.

7. A judge signed a certificate acknowledging review and receipt of a document that verified certain information, when the judge allegedly verified the information by other means, as the document did not exist at the time the judge signed the certificate. The judge was cautioned to refrain from signing documents or certifications acknowledging receipt and review of documents that the judge has not actually received and reviewed.

8. A judge allegedly failed to be patient, dignified and courteous by being rude and disrespectful to law enforcement officers seeking review of a warrant. The judge was cautioned to be patient, dignified, and courteous to all persons with whom the judge interacts in an official capacity, to maintain and present dignified judicial demeanor, and to refrain from inappropriately raising the judge's voice to persons with whom the judge interacts in an official capacity.

9. A judge allegedly exceeded the court's jurisdiction. The judge was cautioned to follow statutes and court rules and to review and abide by the Code of Judicial Conduct.

10. A judge allegedly appeared to have engaged in prohibited *ex parte* communications with a party, and allowed court staff to give legal advice and to be discourteous and rude to a party. The judge was cautioned to avoid the appearance of engaging in *ex parte* communications, and to ensure that court staff treat all parties, with whom they deal in an official capacity, with patience, dignity and courtesy and not improperly provide legal advice.

11. A judge allegedly failed to document the facts constituting direct contempt on the court's order and allegedly had *ex parte* communication with a witness. The judge was cautioned to accurately and completely document all court orders and ensure that all communications with parties take place in open court to avoid the appearance of *ex parte* communications.

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 program is accomplished through stipulation. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. In FY 2016, 7 inquiries involving 5 judges were disposed through informal remedial measures, which are discussed below.

1. A judge allegedly failed to afford due process to litigants. The judge completed an informal mentorship, supervised probation for one year and unsupervised probation following the 12-month supervised probation for the remainder of the judge's term of office.
2. A judge allegedly failed to accurately document the court's orders on guilty plea forms and judgment and sentence forms. The judge completed an informal mentorship.
3. A judge allegedly had ex parte communication with a party, altered an order without notice or opportunity to be heard by all parties, and failed to file the amended order. The judge completed an informal mentorship.

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 2016, the Commission entered into 3 confidential stipulations.

1. A judge allegedly failed to afford due process rights to a litigant in a proceeding for criminal contempt by not advising the litigant of the litigant's constitutional rights, taking sworn testimony from the litigant, and sentencing the litigant to jail time after finding the litigant in contempt. The judge completed an informal mentorship to assist in understanding procedural and constitutional requirements for contempt proceedings, as well as to assist in management of the judge's adjudicative responsibilities.
2. A judge allegedly engaged in the practice of law by signing a pleading on behalf of a family member and appearing with the family member in court. Although the judge did not use the judge's judicial title in the pleading and did not appear in court in a representative capacity, the judge's actions created an appearance of impropriety. The judge completed an informal mentorship, which addressed the concerns.
3. A judge allegedly created the appearance of impropriety during a campaign by engaging in behavior that could be perceived as offering something of value in exchange for votes. In addition, the judge failed to recuse from a case in which the judge's impartiality could reasonably be questioned. The judge participated in an informal mentorship on these issues and the related requirements of the Code of Judicial Conduct.

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

NONE

ALL DISCIPLINARY CASES

Matter of Martinez, 99 N.M. 198, 656 P.2d 861 (1982)

In re Romero, 100 N.M. 180, 668 P.2d 296 (1983)

Matter of Terry, 101 N.M. 360, 683 P.2d 42 (1984)

In re Lucero, 102 N.M. 745, 700 P.2d 648 (1985)

Inquiry Concerning Perea, 103 N.M. 617, 711 P.2d 894 (1986)

Matter of Rainaldi, 104 N.M. 762, 727 P.2d 70 (1986)

Matter of Atencio, 106 N.M. 334, 742 P.2d 1039 (1987)

Matter of Garcia, 108 N.M. 411, 773 P.2d 356 (1989)

Matter of Castellano, 119 N.M. 140, 889 P.2d 175 (1995)

Matter of Ramirez, 2006-NMSC-021, 139 N.M. 529, 135 P.3d 230

Matter of McBee, 2006-NMSC-024, 139 N.M. 482, 134 P.3d 769

State v. Maestas, 2007-NMSC-001, 140 N.M. 836, 149 P.3d 933

Matter of Garza, 2007-NMSC-028, 141 N.M. 831, 161 P.3d 876

Matter of Locatelli, 2007-NMSC-029, 141 N.M. 755, 161 P.3d 252

Matter of Vincent, 2007-NMSC-056, 143 N.M. 56, 172 P.3d 605

Matter of Griego, 2008-NMSC-020, 143 N.M. 698, 181 P.3d 690

Matter of Rodella, 2008-NMSC-050, 144 N.M. 617, 190 P.3d 338

Matter of Schwartz, 2011-NMSC-019, 149 N.M. 721, 255 P.3d 299

Matter of Salazar, 2013-NMSC-007, 299 P.3d 409

Matter of Naranjo, 2013-NMSC-026, 303 P.3d 849

OTHER RELATED STATE CASES

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

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

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

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

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

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

STATE CASE REGARDING COMMISSION SUBPOENAS

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



EXPENDITURES & COST REIMBURSEMENT

As an independent agency of the State, the Commission is funded through a general fund appropriation each year by the New Mexico Legislature. The Commission's appropriation is separate from the appropriations made to any other state agency or court. At the end of each fiscal year, unencumbered/uncosted funds revert to the State's general fund.

For FY 2016, the State Legislature appropriated \$852,200.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct.

FY 2016 Commission expenditures totaled \$846,363.83 from the General Fund and \$1,545.38 from trial cost reimbursement fund for a total of \$847,909.21. Summaries by category of the Commission's expenditures are provided herein for each fund.

FY 2016 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$524,788.36	59.3%
Employee Benefits & Taxes	179,184.28	21.0%
Employee/Board Training & Licensing	9,496.30	2.3%
Commission Travel	6,657.82	0.4%
Investigation & Prosecution Expenses	3,295.62	0.5%
Contractual Services	21,959.24	2.4%
Rent, Telecom, IT & Overhead	85,721.29	11.7%
Equipment, Supplies & Postage	16,806.30	2.4%
TOTAL	\$847,909.21	100%

INVESTIGATION & TRIAL COST REIMBURSEMENT FUND

In the 2010 regular session, the Commission obtained a new, non-reverting fund granted by the Legislature that commenced in FY 2011 into which the Commission can deposit the investigation and trial cost reimbursements collected from judges, most often by order of the Supreme Court. The Legislature granted the authority for the Commission to collect up to \$25,000.00 per year, expend, and not revert the balance in this fund at the end of each fiscal year. The Commission requested and received a reduction in the fund cap for FY 2016 to \$2,000.00.

§ FINANCES

In FY 2011 the Commission collected \$2,115.16 in investigation and trial cost reimbursements from judges, which were detailed in the FY 2011 Annual Report. All but \$1,545.38 was expended in FY 2011. The remaining \$1,545.38 was expended or reverted in FY 2016. In FY 2016 the Commission did not collect any additional cost reimbursements from judges.

DESCRIPTION	FY 2016 COSTS	FY 2016 FINES	BALANCE
Balance Forward from FY 2011			\$ 1,545.38
FY 2016 Collections from Judges	0.00	0.00	1,545.38
FY 2016 Expended or Reverted			1,545.38
FY 2016 Other Funds			0
TOTALS	\$ 0.00	\$ 0.00	\$ 0

FINES AND COST REIMBURSEMENT DISTINGUISHED

The Supreme Court may impose fines against judges upon recommendation by the Commission. Fines are paid to the State of New Mexico and deposited with the Supreme Court. Fines typically are deposited in the general fund, unless otherwise ordered by the Supreme Court. Costs may be assessed by the Supreme Court or may be reimbursed on stipulation with the respondent judge. Costs are paid to the State of New Mexico and deposited into the Commission's cost reimbursement fund.

OUTSTANDING DEBTS OWED TO THE COMMISSION

In FY 2008 removed Bernalillo County Metropolitan Court Judge J. Wayne Griego was ordered by the Supreme Court to reimburse the Commission \$6,704.41 in costs. With annual interest of \$536.35 that accrued through FY 2016, the total amount due from Mr. Griego is \$10,458.86. Mr. Griego has failed to make any payment to the Commission and his debt to the State remains outstanding. The Commission recorded judgment liens with county clerks.

In FY 2012 former Las Cruces Municipal Court Judge Stephen G. Ryan was ordered by the Supreme Court to reimburse the Commission \$647.74 in costs no later than August 1, 2012. Mr. Ryan has failed to make any payment to the Commission and his debt to the State remains outstanding. The Commission recorded a judgment lien with the county clerk. With annual interest of \$51.82 that accrued through FY 2016, Mr. Ryan owes \$803.20.

FY 2016 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2016 Final Approved Budget	\$ 853,745.38	
Total FY 2016 General Fund Expenditures		\$ (847,909.21)
FY 2016 Reversion to General Fund		\$ (5836.17)
Total Expenditures and Reversion		\$ (853,745.38)

Note: Reversion represents 0.007% of the Commission's total General Fund appropriation.

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FINAL APPROVED BUDGET	EXPENDITURES	REVERSION FROM GENERAL FUND	REVERSION FROM COST REIMBURSEMENTS	REVERSION AS % OF FUNDING
2006	650,816.00	650,253.11	0.00	\$562.89	0.087%
2007	688,853.00	688,812.57	40.43	\$0.00	0.006%
2008	819,548.00	803,295.93	0.00	\$16,252.07	1.983%
2009	842,973.00	832,600.37	6,799.01	\$3,573.62	1.231%
2010	780,002.40	749,752.96	22,047.04	\$8,202.40	3.878%
2011	731,300.00	717,230.17	14,069.83	\$0.00	1.924%
2012	706,900.00	705,230.69	1,669.31	0.00	0.236%
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,765.37	0.00	0.322%
2016	853,745.38	847,909.21	5836.17	0.00	0.007%

