

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

May 11, 2010

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JUDICIAL STANDARDS COMMISSION

NO. 29,264

Inquiry Concerning a Judge  
No. 2009-025

In the Matter of JAVIER LOZANO, Municipal  
Court Judge, Columbus, New Mexico

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for discipline upon stipulation and oral argument by the parties, and the Court having considered said petition and oral argument and being sufficiently advised, Chief Justice Charles W. Daniels, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C. Bosson, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the petition for discipline upon stipulation hereby is APPROVED except that Count Three (3) hereby is DISMISSED;

IT IS FURTHER ORDERED that respondent shall be suspended from his judicial office for ninety (90) days without pay commencing on the first day of the next full pay period;

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2 IT IS FURTHER ORDERED that respondent shall receive a written  
3 formal reprimand from this Court, which shall be published in the *Bar*  
4 *Bulletin*;

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6 IT IS FURTHER ORDERED that respondent shall be placed on  
7 supervised probation and formal mentorship for twelve (12) months  
8 following the period of suspension. The Judicial Standards Commission  
9 shall recommend the probation supervisor/mentor for approval and  
10 appointment. The mentor shall report on the progress and outcome of the  
11 mentorship to this Court and to the Commission;

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14 IT IS FURTHER ORDERED that the mentorship shall cover all  
15 substantive and procedural issues addressed in the stipulation agreement,  
16 including but not limited to, respondent's obligations and responsibilities  
17 and the Code of Judicial Conduct and remedial training concerning proper  
18 judicial demeanor, court administration, jurisdiction, and proper  
19 performance of judicial duties;

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23 IT IS FURTHER ORDERED that respondent shall reimburse the  
24 Village of Columbus \$260.00 for per diem expenses that respondent  
25 improperly received. Payment shall be timely on or before May 26, 2010,  
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and shall be by certified check made payable and hand-delivered to the Village of Columbus Treasurer. Respondent promptly shall provide proof of the payment to this Court and to the Judicial Standards Commission;

IT IS FURTHER ORDERED that respondent shall attend and complete training by the Judicial Education Center, or another entity recommended by the Judicial Standards Commission and approved by this Court, in public financial practices and procedures, including the submission of public vouchers. Respondent shall bear at his own expense all costs required to attend and complete this training, including travel, accommodations, meals, and all other expenses incurred in relation to completing this requirement. Respondent promptly shall provide the Commission with proof of successful completion of this requirement;

IT IS FURTHER ORDERED that respondent shall attend and complete training by the Judicial Education Center, or another entity recommended by the Judicial Standards Commission and approved by this Court, in sexual harassment. Respondent shall bear at his own expense all costs required to attend and complete this training, including travel, accommodations, meals, and all other expenses incurred in relation to

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completing this requirement. Respondent promptly shall provide the Commission with proof of successful completion of this requirement;

IT IS FURTHER ORDERED that respondent shall abide by all terms of the Stipulation Agreement and Consent to Discipline;

IT IS FURTHER ORDERED that respondent and the Commission shall bear their own costs and expenses in this matter; and

IT IS FURTHER ORDERED that the entire file in this matter shall be UNSEALED.

IT IS SO ORDERED.

WITNESS, Honorable Charles W. Daniels, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 11th day of May, 2010.

(SEAL)

Kathleen Jo Gibson, Chief Clerk of the Supreme Court of the State of New Mexico