



1           **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **Filing Date:** May 13, 2024

3   **NO. S-1-SC-40160**

4   **INQUIRY CONCERNING A JUDGE**

5   **JSC Inquiry No. 2022-111**

6   **IN THE MATTER OF**

7   **HON. DESERI SICHLER**

8   **Valencia County Magistrate Court**

9   Phyllis A. Dominguez

10   Marcus J. Blais

11   Albuquerque, NM

12   for Petitioner The New Mexico Judicial Standards Commission

13   Julio P. Garcia

14   Albuquerque, NM

15   for Respondent

I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed

16                           **PUBLIC CENSURE**

*Mycole Vigil*

Clerk of the Supreme Court  
of the State of New Mexico

17   **PER CURIAM.**

18   {1}   This matter came before this Court on a petition to accept the *Stipulation*

19   *Agreement and Consent to Discipline (Stipulation)* between the Judicial Standards

20   Commission (Commission) and Hon. Deseri Sichler, a magistrate court judge in

21   Valencia County.

1 {2} We granted the petition and approved the terms of the *Stipulation* adopting  
2 the Commission's request and Judge Sichler's stipulation to issuance of a Public  
3 Censure. We now publish this Public Censure in the State Bar of New Mexico *Bar*  
4 *Bulletin* in accordance with our order, the *Stipulation*, and Rule jsc-36(C)(5) NMRA.

5 **I. BACKGROUND**

6 {3} A complaint was filed against Judge Sichler with the Commission. The  
7 Commission completed its initial investigation, including completion of an informal  
8 conference, which allowed Judge Sichler to personally discuss the allegations with  
9 the Commission. The Commission filed a notice of formal proceedings against Judge  
10 Sichler on August 25, 2023. The Commission and Judge Sichler entered into the  
11 *Stipulation*. As part of the *Stipulation*, Judge Sichler admitted to committing willful  
12 misconduct by engaging in the following acts, in violation of the Commission Rules:

13 A. During Judge Sichler's 2022 campaign for Valencia County  
14 Magistrate Court Judge, Judge Sichler acted as campaign treasurer  
15 and personally accepted funds on behalf of her campaign, contrary  
16 to NMSA [1978,] Section 1-19-34(A) [(2019)].

17 B. On or about March 7, 2022, Judge Sichler listed Russel D. Schmidt  
18 as her campaign treasurer on the Secretary of State's Campaign  
19 Finance portal/Campaign Finance Information System (CFIS) in her  
20 bid for Valencia County Magistrate Court judge but failed to remove  
21 him as treasurer when his consent was withdrawn and then began to  
22 act as her own treasurer until September 16, 2022, contrary to  
23 NMSA [1978,] Section 1-19-29(I) [(2019)].

1 C. On or about March 7, 2022, Judge Sichler created the *Committee to*  
2 *Elect Deseri Sichler* and listed herself as the sole contact person for  
3 the Committee. All contact information for the Committee,  
4 advertisements and her website contained her personal contact  
5 information including email, phone number, and mailing address.

6 *Stipulation at 2.*<sup>1</sup>

7 {4} Judge Sichler agrees that her conduct violated the following Rules of the Code  
8 of Judicial Conduct and committed willful misconduct in office: Rule 21-101  
9 NMRA (requiring compliance with the law), Rule 21-102 NMRA (promoting  
10 confidence in the judiciary), Rule 21-402 NMRA (requiring compliance with  
11 election campaign laws), and Rule 21-404 NMRA (requiring campaign committees  
12 to be established). *Stipulation at 2.* Based upon these admitted violations, Judge  
13 Sichler agreed to receive a Public Censure to be published in the State Bar of New  
14 Mexico *Bar Bulletin. Id.* For the reasons discussed below, we issue this censure.

15 **II. DISCUSSION**

16 {5} Article VI, Section 32 of the New Mexico Constitution creates the  
17 Commission and provides that “any justice, judge or magistrate of any court may be  
18 disciplined or removed for willful misconduct in office.” We have defined willful

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<sup>1</sup>All references to agreements between the Commission and Judge Sichler, aside from the *Stipulation* filed, allude to conversations had between the parties.

1 misconduct in office as “improper and wrong conduct of a judge acting in [the  
2 judge’s] official capacity done intentionally, knowingly, and, generally, in bad faith.  
3 It is more than a mere error of judgment or an act of negligence.” *In re Locatelli*,  
4 2007-NMSC-029, ¶ 8, 141 N.M. 755, 161 P.3d 252 (citation omitted). In imposing  
5 discipline, we must be satisfied that willful misconduct is proven by clear and  
6 convincing evidence. *Id.* ¶ 7. “There need not be clear and convincing evidence to  
7 support each and every one of the Commission’s evidentiary findings. Rather, we  
8 must be satisfied by clear and convincing evidence that there is willful judicial  
9 misconduct which merits discipline.” *In re Castellano*, 1995-NMSC-007, ¶ 37, 119  
10 N.M. 140, 889 P.2d 175; *accord In re Schwartz*, 2011-NMSC-019, ¶ 13, 149 N.M.  
11 721, 255 P.3d 299.

12 {6} Judge Sichler agrees that she violated Rules 21-101, 21-102, 21-402, and 21-  
13 404 of the Code of Judicial Conduct. *Stipulation* at 2. While the Code of Judicial  
14 Conduct provides “some proof of what constitutes appropriate judicial conduct,”  
15 violations of the Code “do not control the issue of whether discipline should be  
16 imposed.” *Locatelli*, 2007-NMSC-029, ¶ 8 (citation omitted). We agree that Judge  
17 Sichler’s conduct merits discipline, and for that reason, she should be formally  
18 reprimanded by censure.

1 {7} The preamble to the Code of Judicial Conduct states, “An independent, fair,  
2 and impartial judiciary is indispensable to our system of justice.” Rule 21-001(A)  
3 NMRA. To promote the public’s trust and to maintain and enhance confidence in  
4 the legal system, “[j]udges should maintain the dignity of judicial office at all times  
5 and avoid both impropriety and the appearance of impropriety in their professional  
6 and personal lives.” Rule 21-001(B). The principles of the Code of Judicial Conduct  
7 require a judge to “act at all times in a manner that promotes public confidence in  
8 the independence, integrity, and impartiality of the judiciary.” Rule 21-102.

9 {8} We agree that the stipulated facts support the conclusion that Judge Sichler  
10 violated Rules 21-101, 21-102, 21-402, and 21-404 of the Code of Judicial Conduct.  
11 In violating the Code, Judge Sichler failed to follow and comply with election  
12 campaign laws and failed to uphold the public’s confidence in the integrity and  
13 impartiality of the judicial election process.

14 {9} Rule 21-101 requires a judge to “respect and comply with the law, including  
15 the Code of Judicial Conduct.” Rule 21-102 requires a judge to “act at all times in a  
16 manner that promotes public confidence in the independence, integrity, and  
17 impartiality of the judiciary” and to “avoid impropriety and the appearance of  
18 impropriety.” *See also id.* comm. cmt. 5 (“Actual improprieties include violations of  
19 law, court rules, or provisions of this Code. The test for appearance of impropriety

1 is whether the conduct would create in reasonable minds a perception that the judge  
2 violated this Code or engaged in other conduct that reflects adversely on the judge's  
3 honesty, impartiality, temperament, or fitness to serve as a judge.”).

4 {10} Judge Sichler's actions violated Rules 21-101 and 21-102 of the Code of  
5 Judicial Conduct. Judge Sichler was required to designate a treasurer to file  
6 expenditure reports pursuant to Section 1-19-29(I). The treasurer she named in the  
7 expenditure report withdrew his consent, and Judge Sichler then acted as her own  
8 treasurer. This action was contrary to statute and thus was a violation of Rule 21-  
9 101 (“A judge shall respect and comply with the law . . .”). Acting as treasurer  
10 allowed Judge Sichler to know who contributed to her campaign and know the  
11 monetary amounts of those contributions. Judge Sichler had intimate knowledge of  
12 campaign rules, having sought the office of treasurer for Valencia County in 2020.  
13 Judge Sichler's conduct created actual impropriety by violating Section 1-19-29(I)  
14 and is contrary to Rule 21-102 (“A judge . . . shall avoid impropriety and the  
15 appearance of impropriety.”).

16 {11} Rule 21-402(A)(1)(b) requires judges to “comply with all applicable election,  
17 election campaign, and election campaign fundraising laws and regulations.” Rule  
18 21-402(A)(1)(e) requires that judges, “if intending to accept funds from others or  
19 expend funds in excess of one thousand dollars (\$1,000), establish a campaign

1 committee pursuant to the provisions of Rule 21-404.” Rule 21-402(A)(2)(a)  
2 prohibits a judge from seeking to discover who has contributed to either the judge’s  
3 own campaign or to the judge’s opponent. Rule 21-404(A) states, in part, that  
4 “Candidates shall not personally solicit or personally accept contributions for their  
5 own campaigns. . . . The candidate shall take reasonable steps to ensure that his or  
6 her campaign committee complies with applicable provisions of this Code and other  
7 applicable law.”

8 {12} Judge Sichler, acting as her own campaign treasurer, violated both Rule 21-  
9 402 and Rule 21-404 of the Code of Judicial Conduct. Section 62-19-34(A) of the  
10 Campaign Reporting Act requires judicial candidates to have a treasurer who is not  
11 the candidate. Judge Sichler failed to set up a valid campaign committee. Rule 21-  
12 402(A)(1)(e) requires a judicial candidate planning on accepting donations to set up  
13 a campaign committee pursuant to Rule 21-404. “This rule restricts contributions for  
14 campaigns for judicial office to sources and amounts that do not create an appearance  
15 of impropriety.” Rule 21-402 comm. cmt. 1. Rule 21-404 requires a judicial  
16 candidate to set up a campaign committee to avoid personally soliciting or accepting  
17 contributions to the candidate’s own campaign. Judge Sichler set up a campaign  
18 committee through the Secretary of State entitled *The Committee to Elect Deseri*  
19 *Sichler*. Judge Sichler was the sole member of the Committee. She listed her

1 personal phone number, home address, and personal email as the contact for the  
2 committee.

3 {13} Judge Sichler agrees that the violations of the rules erode the public's  
4 confidence in her ability to follow the law. The violations also reflect negatively on  
5 the New Mexico judiciary as a whole and are prejudicial to the effective  
6 administration of justice. Pursuant to this Court's power to discipline judges under  
7 the New Mexico Constitution Article VI, Section 32, and the Court's power of  
8 superintending control under the New Mexico Constitution Article VI, Section 3,  
9 Judge Sichler shall receive a Public Censure. Acceptance of judicial discipline  
10 protects the public, preserves the public's confidence in the integrity, independence,  
11 and impartiality of the judicial system, and enforces the standards of conduct  
12 established by Code of Judicial Conduct. *See* Rule 21-216 NMRA comm. cmt.  
13 ("Cooperation with investigations and proceedings of judicial . . . discipline  
14 agencies . . . instills confidence in judges' commitment to the integrity of the judicial  
15 system and the protection of the public.").

16 {14} This Court has considered the admitted facts and violations of the Code of  
17 Judicial Conduct and the approved *Stipulation*, and we hereby publicly censure  
18 Judge Sichler for willfully violating the established rules and standards that govern  
19 every New Mexico judge's conduct. We issue this Public Censure to strengthen the



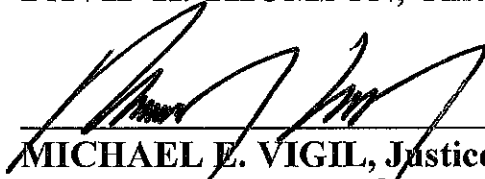
1 public's confidence in the integrity, impartiality, and independence of the judiciary  
2 and to remind all judges that misconduct which erodes the public's confidence will  
3 not be tolerated.

4 {15} For the foregoing reasons Hon. Deseri Sichler is hereby publicly censured for  
5 her admitted willful misconduct as set forth fully in the *Stipulation* which this Court  
6 accepted, adopted, and confirmed.

7 {16} **IT IS SO ORDERED.**

8 

9 **DAVID K. THOMSON, Chief Justice**

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11 **MICHAEL E. VIGIL, Justice**

12 

13 **C. SHANNON BACON, Justice**

14 

15 **JULIE J. VARGAS, Justice**

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17 **BRIANA H. ZAMORA, Justice**