

RULE 2. DEFINITIONS.

I. “Judge” means any full or part-time justice, judge, or magistrate of any New Mexico court as provided in the Constitution. Judge also includes others subject by law to the Commission’s jurisdiction including court appointed commissioners, hearing officers, administrative law judges, or special masters while acting in a judicial capacity. In the appropriate context, “judge” may mean the judge or the judge’s attorney.

RULE 5. AUTHORITY OF THE COMMISSION.

B. Issue Subpoenas. At the request of investigative trial counsel, a judge, or at the Commission’s discretion, ~~the Commission~~ a member who is a district judge acting for the Commission may issue subpoenas to compel the attendance of witnesses and the production of documents and things in connection with a Commission proceeding.

RULE 17. INITIAL DISCLOSURES.

F. Delayed Disclosures. Investigative trial counsel may apply to a presiding officer for an order delaying disclosure of certain information required by Section A, above. The presiding officer shall issue an order delaying disclosure of certain information upon a particularized showing of good cause that disclosure at the time required by Rule 16~~7~~ would likely impede or imperil the ongoing investigation of the allegations in a notice of investigation or charges in a notice of formal proceedings. The order shall specify a time for subsequent disclosure or a time for review of the continuing appropriateness of the order.

RULE 19. CONFERENCE WITH THE COMMISSION.

B. Consent. No conference with the judge and the Commission will be held without the judge’s consent. The judge shall respond to an invitation to a conference with the

Commission either accepting or declining the invitation, within fifteen (15) days of service of thereof.

O. Record. The Commission shall record all conferences conducted pursuant to this Rule. Copies of such recordings shall be released to the ~~judge~~ parties upon service of a Notice of Formal Proceedings. No other recordings shall be made.

RULE 25. GUARDIAN AD LITEM.

If at any time after the commencement of a proceeding under these rules, either:

- A. A judge is adjudicated by a court to require a *guardian ad litem* in any matter; or
- B. Substantial evidence is presented to the Commission that a judge is, or may be, incapable, for any reason, to understand the proceedings before the Commission or to present a defense in such proceedings; then the Commission may appoint the *guardians ad litem* appointed by a court or may separately appoint a *guardians ad litem* to act on the judge's behalf during the proceedings. If the judge disputes the appointment of a *guardians ad litem* to act on the judge's behalf, the Commission shall hold a hearing with a presiding officer who is a district court judge and may petition the Supreme Court for an order of appointment.

RULE 35. NON-DISCIPLINARY DISPOSITION.

- A. Advisory Letter. The Commission may issue a letter advising the judge that the matters alleged in a complaint may constitute grounds for discipline, removal, or retirement as follows:

(2) If, within fifteen (15) days of service of notice of intent to issue an advisory letter, the judge does not object in writing to the Commission, the Commission may issue the letter as proposed.

(3) If, within fifteen (15) days of service of notice of intent to issue an advisory letter, the judge objects thereto, the judge may:

he record filed, are no longer confidential.