



Will filing a complaint help my court case?

Your complaint to the Judicial Standards Commission will have **no** direct effect on your court case. The Commission has no authority to intervene in your case, to change the judge's rulings or orders in your case, or to remove the judge from your case. Filing a complaint with the Commission will **not** require the judge to recuse or be disqualified from your case.

The Commission will address alleged violations of the Code of Judicial Conduct (ethics code for judges) or genuine issues of disability. The Commission is not a court and cannot substitute for the appellate or writ process. You must take prompt action within the court system to appeal or correct any judicial errors that you believe have occurred in your case.

Commission staff cannot give you any legal advice or opinions. Commission attorneys do not represent you in any pending matter.



Confidentiality

Article VI, Section 32 of the New Mexico Constitution mandates that “[a]ll papers filed with, and all matters before, the Commission are confidential. The filing of papers and giving of testimony before the commission or its masters is

privileged in any action for defamation, except that the record filed by the commission in the supreme court continues privileged but, upon its filing, loses its confidential character, and a writing which was privileged prior to its filing with the commission or its masters does not lose its privilege by the filing.” Confidentiality requirements do not apply to third-party complainants.

The Supreme Court's files and hearings are accessible to the public, subject to the rules and orders of the Court.

Your name may be disclosed to the judge who is the subject of a complaint. You may be called to participate and/or testify in Commission proceedings.

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



Judicial Standards Commission
111 Lomas Blvd. NW, Suite 220
Albuquerque, NM 87102-2368
(505) 222-9353
www.nmjsc.org



STATE OF NEW MEXICO

JUDICIAL STANDARDS COMMISSION

JUDICIAL MISCONDUCT & DISABILITY COMPLAINTS





How do I file a complaint?

Complaints about judicial misconduct and disability are filed with the Judicial Standards Commission, which is the only state agency with the responsibility to investigate, conduct hearings, and recommend sanctions to the New Mexico Supreme Court. The Commission has thirteen members, which include seven lay people, two attorneys, one Magistrate Court judge, one Municipal Court judge, and two justices or judges of the Supreme Court, Court of Appeals or District Courts.

You may download a complaint form from the Commission's website at www.nmjsc.org or you may request one by contacting us at:

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All materials that you file with the Commission will become part of the Commission's confidential files and **will not be returned or copied to you.** Therefore, please only provide **copies of your supporting documents** with your **original, signed and verified complaint form.** The Commission cannot accept faxed or e-mailed complaints.



What issues can the Commission address?

The Commission is authorized to investigate complaints against currently serving state, county or municipal judges, including Supreme Court Justices and judges of the Court of Appeals, District Courts, Metropolitan Court, Magistrate Courts, Municipal Courts, and Probate Courts. Effective 1/1/20 the Commission may also review complaints against court-appointed special commissioners, hearing officers, administrative law judges, and special masters for acts done while acting in a judicial capacity. The Commission has no jurisdiction over retired judges, judges no longer in office, federal judges and magistrates, judicial candidates who are not already sitting judges, or Executive or Legislative branch hearing officers or administrative law judges.

The Commission investigates complaints of willful misconduct in office, persistent failure or inability to perform judicial duties, habitual intemperance (*i.e.*, alcohol or drug abuse), and disability of a permanent nature that renders the judge incapable of performing judicial duties. The Commission also investigates alleged violations of the Code of Judicial Conduct (21-100 NMRA, *et seq.*).



What will happen after I file my complaint?

The Commission will review the complaint and attachments that you submit. Commission staff will also review and research your allegations. A confidential inquiry or investigation may be conducted. A confidential hearing may be held to take evidence. If appropriate, the Commission may privately inform a judge that conduct may violate the Code of Judicial Conduct; propose professional counseling or assistance; or recommend that the Supreme Court discipline, remove or retire a judge.

Your complaint may be dismissed if:

- ☞ Your allegations concern matters outside our jurisdiction.
- ☞ Your allegations concern someone who is not a currently serving judge or specified judicial officer.
- ☞ Your allegations are not substantiated by clear and convincing evidence.
- ☞ Your allegations concern legal issues that must be addressed in court, including disputes about rulings or orders, application of the law, determinations of fact, evidentiary questions, decisions about witness testimony, and matters within a judge's authority and discretion.