

ATTEST A TRUE COPY

Kathleen J. Wilson

Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

October 12, 2010

NO. 32,422

**INQUIRY CONCERNING A JUDGE
NO. 2009-081**

**IN THE MATTER OF ROBERT MERLE SCHWARTZ,
Second Judicial District Court Judge,
Bernalillo County, New Mexico**

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for discipline, response thereto, briefs, and oral argument by the parties, and the Court having considered said pleadings and 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 findings of fact and conclusions of law of the Judicial Standards Commission hereby are ADOPTED, that respondent willfully committed judicial misconduct by (1) not timely recusing when initiating a romantic relationship with a lawyer who had cases pending before him, and (2) making dishonest statements from the bench about his reasons for recusing;

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IT IS FURTHER ORDERED that respondent shall receive the following discipline:

(1) Respondent shall receive a formal public reprimand that shall be published in the *Bar Bulletin*;

(2) Respondent shall promptly and successfully complete a course regarding sexual harassment in the judicial system offered by the National Judicial College or the New Mexico Judicial Education Center. Respondent shall bear at his own expense all costs required to attend and complete this training, including tuition, travel, accommodations, meals, and all other expenses incurred in relation to completing this requirement. Respondent shall promptly provide the Commission with proof of successful completion of this requirement; and

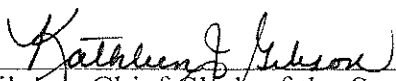
(3) Respondent shall take appropriate leave from work during all future medical transitions to avoid the need to take any judicial action during that period.

IT IS FURTHER ORDERED that respondent shall pay a fine of \$6,000 and comply with all sanctions and costs that will be addressed in the written reprimand and formal opinion of this Court.

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 12th day of October, 2010.

(SEAL)


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