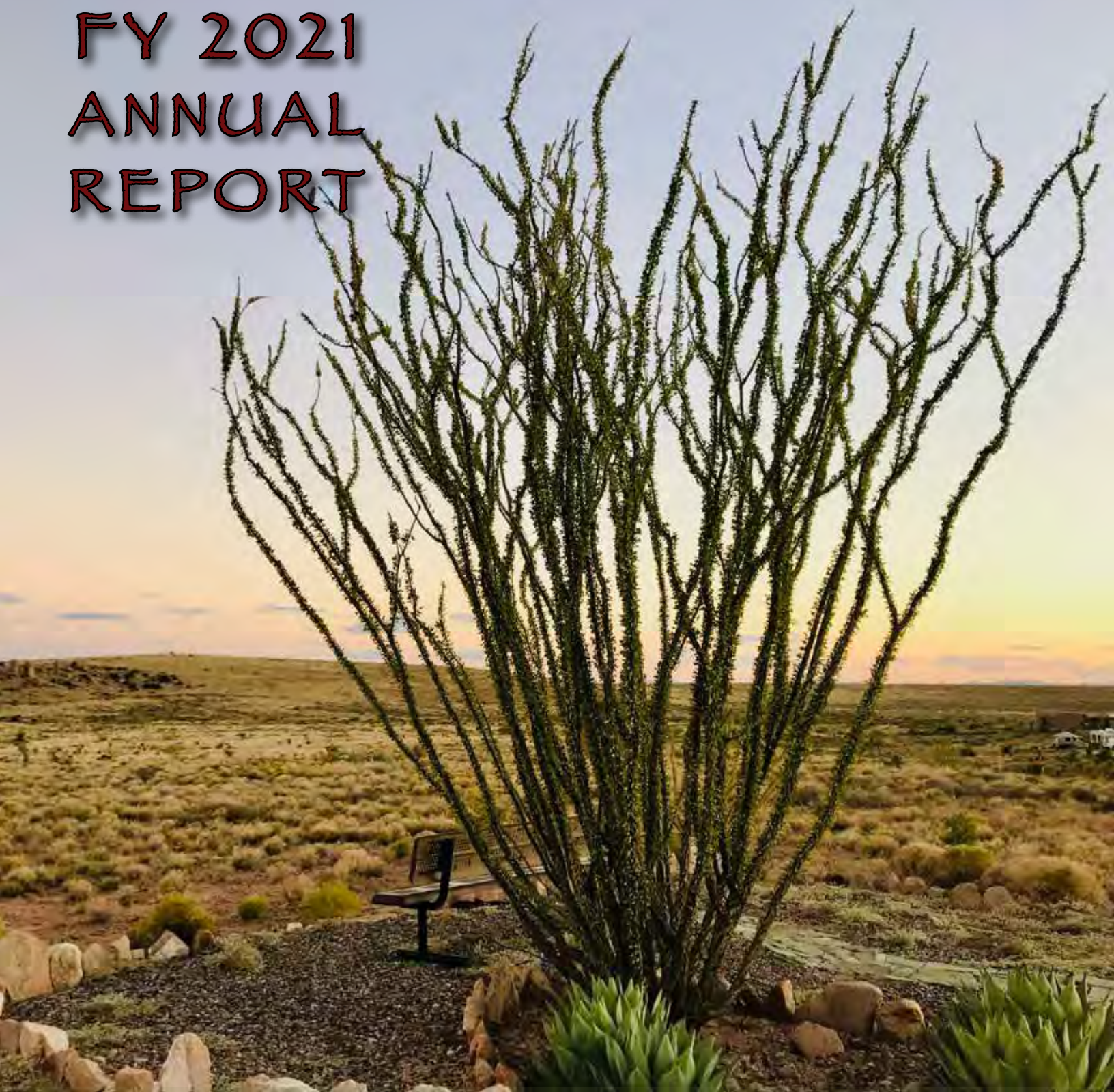


FY 2021 ANNUAL REPORT



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION
6200 UPTOWN BLVD. NE, SUITE 320
ALBUQUERQUE, NEW MEXICO 87110-4159
(505) 222-9353
WWW.NMJSC.ORG

JOYCE BUSTOS
CHAIR

WILLIAM E. FOOTE, PH.D.
VICE-CHAIR

KEVIN R. DIXON, PH.D.
MARK A. FILOSA, ESQ.
HON. CHERYL H. JOHNSTON
ROBERTA JEAN KAMM
HON. MAURINE LANEY
NANCY R. LONG, ESQ.
KRISTIN D. MUNIZ
OMAR PEREYRA, DDS
TWILLA C. THOMASON

RANDALL D. ROYBAL, ESQ.
EXECUTIVE DIRECTOR & GENERAL COUNSEL

PHYLLIS A. DOMINGUEZ, ESQ.
DEPUTY DIRECTOR

CHANCE A. GAUTHIER, ESQ.
INVESTIGATIVE TRIAL COUNSEL

September 22, 2021

Honorable Governor Michelle Lujan Grisham
Honorable Members of the State Legislature
Honorable Chief Justice and Justices of the Supreme Court
Citizens of the State of New Mexico

Ladies and Gentlemen:

It is my pleasure to present you with the Judicial Standards Commission's Annual Report for Fiscal Year 2021. This report not only contains information about our substantive work overseeing state judicial conduct and discipline, but also the structure, operation, and performance of our agency.

The ongoing COVID-19 global pandemic continues to impact the Commission significantly. Due to a 4% budget cut imposed in FY 2021, the Commission terminated its lease early, relocated to a small temporary space, and paid for commercial storage for the remainder of the agency's furnishings, equipment, supplies, files, etc. This temporary office is only large enough to house a couple of staff members at a time. The office remains closed to the public and other in-person visitors, due to health, safety, and security issues, but staff continues to serve the public by mail and telephone.

After completing an RFP process, the Commission hopes to move within a few months into a newly built-out smaller office space and multi-use hearing room. While health protocols and the lack of meeting and hearing space have necessitated holding our meetings and proceedings virtually, we hope circumstances will allow the Commission to meet and conduct proceedings in-person before long.

Our long-serving Vice-Chair, Malinda Williams, left the Commission in June. She was elected annually as the Commission's Vice-Chair since her appointment in 2011. The

Honorable Governor Michelle Lujan Grisham
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Honorable Chief Justice and Justices of the Supreme Court
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September 22, 2021

Page 2

Governor just recently appointed Kristin Muniz of Rio Rancho to this position for the remainder of its statutory term.

Two judicial members of the Commission also left at the end of the fiscal year due to the expiration of their statutory terms, and will also be greatly missed: Hon. Alisa Hart of the Second Judicial District Court, and Hon. Steven Lee of the Alamogordo Municipal Court. We are currently awaiting new Supreme Court appointments to these vacant positions.

Bittersweet changes are also taking place on the Commission's staff. One of the friendliest faces at the Commission, Shariesse McCannon, retired June 1st after 17 years of dedicated service as Clerk of the Commission. Additionally, our long-tenured Executive Director, Randall Roybal, is retiring on January 1, 2022 after 24 years of dedicated service to the Commission. We are currently conducting the search to find and name a successor Executive Director to lead this critical agency into the post-pandemic future. We are very sad to see Shariesse and Randy go, but share in their happiness and wish them both the best.

We sincerely appreciate the continued support of our small constitutional agency and our constitutionally-mandated work to preserve the public's confidence in the independence, impartiality, and integrity of the New Mexico Judiciary.

Respectfully yours,



Joyce Bustos
Chair



FY 2021 ANNUAL REPORT

CURRENT COMMISSIONERS

Joyce Bustos
Chair

Kevin R. Dixon, Ph.D.
Mark A. Filosa, Esq.
William E. Foote, Ph.D.
Hon. Cheryl H. Johnston
Roberta Jean Kamm
Hon. Maurine Laney
Nancy R. Long, Esq.
Kristin D. Muniz
Omar Pereyra, DDS
Twillia C. Thomason

CURRENT STAFF

Randall D. Roybal, Esq.
Executive Director & General Counsel

Phyllis A. Dominguez, Esq.
Deputy Director

Chance A. Gauthier, Esq.
Investigative Trial Counsel

Evonne Sanchez
Paralegal

Krista M. Ganes-Chavez
Chief Financial Officer

Luella L. Gonzales
Administrative Assistant

TEMPORARY OFFICE

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TELEPHONE

(505) 222-9353

WEBSITE

www.nmjsc.org

Landscape Photographs
Graphic Design & Layout

Randall D. Roybal, Esq.

Judicial Standards Commission

FORWARD

INTEGRITY, INDEPENDENCE, & IMPARTIALITY

These three founding pillars uphold the New Mexico Judiciary, and if public confidence in any of them erodes, the Rule of Law (*i.e.*, maintenance of civil order through public deference to laws and court orders) also erodes. Preserving the integrity, independence, and impartiality of the elected Justices and Judges of our state's courts is the duty of the New Mexico Judicial Standards Commission, and is achieved, in part, through enforcement of ethical standards set by the New Mexico Supreme Court applying to all sitting Justices and Judges under their authority.

The People of the State of New Mexico created the Judicial Standards Commission 54 years ago by overwhelmingly approving an amendment to the state constitution that established the Commission as an agency within the Judicial Branch of state government. In my time working for the Commission, two more constitutional amendments expanded its membership from the original nine members to thirteen—adding a magistrate, and then a municipal court judge (plus additional public members each time to maintain the required public majority). The political balance of gubernatorial appointees was also changed to require no more than three appointees who are members of the same party.

Most importantly, the Commission's work itself—its substantive investigations, its evidentiary records, and the Supreme Court decisions in its cases—have taken the Commission from relative obscurity to one of the exemplary judicial disciplinary agencies in the United States. Our attorneys not only distinguish themselves through their work, but also through service as Board Members and Officers of the Association of Judicial Disciplinary Counsel—the professional association for staff of judicial conduct commissions across the United States and Canada. In those roles, NMJSC staff have had a substantial influence on the professional development, training, and support of hundreds of judicial disciplinary professionals since 2007. The Commission's administrative and support staff also have held (or still hold) leadership roles in key professional organizations, including the State Bar Board of Commissioners, the State Bar Paralegal Division, and the Association of Government Accounts.

The world has changed much since I started with the Commission 24 years ago, and the time has come for this agency to have new leadership, new energy, and new ideas to lead it into the post-pandemic future. I have announced my retirement effective January 1, 2022, and the Commission will soon name my successor.

I am grateful for the extraordinary opportunity to have served my fellow New Mexicans in this capacity, and to have worked for so many fine Commissioners for over these 24 years. It is the genuinely good people on my staff, however, who I will miss most and remember fondly. Their many years of exceptional work, professionalism, dedication, and humor help make the Judicial Standards Commission so successful at fulfilling its unique constitutional role and being one of the best places to work. The Commission is well-equipped for continued success, and I extend my best and sincerest wishes to the next director and to staff as they carry out this agency's critical work.

RANDALL D. ROYBAL
Executive Director
General Counsel



COMMISSIONER TERMS & POSITIONS

As set forth in Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated Sections 34-10-1 through -4, the Judicial Standards Commission is composed of thirteen (13) members: seven (7) public members appointed by the Governor; two (2) attorneys appointed by the Board of State Bar Commissioners; two (2) justices or judges of the Supreme Court, Court of Appeals, or District Courts appointed by the Supreme Court; one (1) magistrate judge appointed by the Supreme Court; and one (1) municipal judge appointed by the Supreme Court.

Public members of the Commission are appointed to staggered five-year terms, while the attorney and judicial members are only appointed to staggered four-year terms. Commissioners are not paid a salary, but may receive *per diem* and reimbursement for expenses as provided by law.

Pursuant to NMSA §34-10-1(A), no more than three of the seven member positions appointed by the Governor may be occupied by persons of the same political party. For transparency, party affiliations of these members are noted below.

STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2021

See NMSA 1978, §34-10-1 (amended 1999)

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Statutory Term</u>
1	Kevin R. Dixon, Ph.D. (R)	Governor	07/01/19–06/30/24
2	William E. Foote, Ph.D. (D)	Governor	07/01/20–06/30/25
3	Omar Pereyra, DDS (R)	Governor	07/01/16–06/30/21
4	Twillla C. Thomason (I)	Governor	07/01/17–06/30/22
5	Joyce Bustos (D)	Governor	07/01/18–06/30/23
6	Nancy R. Long, Esq.	State Bar	07/01/18–06/30/22
7	Mark Filosa, Esq.	State Bar	07/01/20–06/30/24
8	Hon. Cheryl H. Johnston	Supreme Court	07/01/19–06/30/23
9	Hon. Alisa A. Hart	Supreme Court	07/01/17–06/30/21
10	Roberta Jean Kamm (I)	Governor	07/01/19–06/30/24
11	Hon. Maurine Laney	Supreme Court	07/01/19–06/30/23
12	VACANT	Governor	07/01/18–06/30/23
13	Hon. Steven O. Lee	Supreme Court	07/01/17–06/30/21

OUTGOING DURING FY21: *Malinda Williams, Vice-Chair; served March 2011–June 2021*

COMMISSION MEMBERS

COMMISSION MEMBERS ON JUNE 30, 2021



JOYCE BUSTOS was appointed to the Commission by the Governor in April 2011, and subsequently reappointed twice. Having been elected by her fellow Commissioners each year since 2012 to serve as Chair of the Commission. Mrs. Bustos grew up in Chimayo, New Mexico and graduated from McCurdy High School. Mrs. Bustos received a Bachelor of Science degree in secondary education in 1977, and a Masters degree in Public Administration (Criminal Justice concentration) in 1988 from the University of New Mexico. She retired from New Mexico state government after 25 years of service, primarily in the criminal justice system. She was employed by the New Mexico Department of Corrections for 11 years, the Department of Public Safety for 3 years, and as the Director of the Administrative Office of the District Attorneys for 10 years. She is currently an independent criminal justice consultant.



KEVIN R. DIXON, Ph.D. was appointed to the Commission in January 2019 by the Governor. Dr. Dixon served previously on the Commission from July 2010 to March 2011, also by gubernatorial appointment. He is a Senior Manager at Sandia National Laboratories in Albuquerque, and received his doctorate degree in Electrical & Computer Engineering from the Carnegie Mellon University.



MARK A. FILOSA, ESQ. was appointed to a second term on the Commission by the State Bar in July 2020, and previously served on the Commission from July 1, 2002 to June 30, 2006. Mr. Filosa has been practicing law since 1983. He was raised and educated in Chicago, and came to New Mexico thereafter. He has great pride that he has practiced his entire career as a general practitioner in the small town of Truth or Consequences, New Mexico. Mr. Filosa has been heavily involved in State Bar activities, having served as Board of Bar Commissioner, a member of the Judicial Performance Evaluation Commission, and as president of his local bar association. Mr. Filosa received his bachelors degree in Journalism from Southern Illinois University, and while going to law school at night, he worked for a group of trade publications in Chicago. Mr. Filosa is married to Ann, and has four children and six grandchildren.



WILLIAM E. FOOTE, Ph.D. was appointed to the Commission in August 2019 by the Governor. Dr. Foote has been a forensic psychologist in private practice in Albuquerque, New Mexico since 1979. He has taught in the University of New Mexico Department of Psychology, Department of Psychiatry and the UNM School of Law. He has held a number of professional offices including the President of the New Mexico Psychological Association, Representative on APA Council, member and chair of the APA Committee on Legal Issues, member and chair of the APA Committee on Professional Practice and Standards, President of Division 31, President of the American Psychology-Law Society (Division 41), and President of the American Board of Forensic Psychology. He is the author of many peer reviewed professional articles and book chapters, and is the co-author, with Jane Goodman-Delahunty of two books on psychological evaluation in sexual

harassment and employment discrimination cases. His third book with Dr. Goodman-Delahunty, *Understanding Sexual Harassment: Evidence-Based Forensic Practice* (in press), is a second edition of the award winning 2005 APA Press sexual harassment volume. Dr. Foote enjoys singing first tenor in the acapella men's group DeProfundis, playing guitar and mandolin, traveling, hiking and fly fishing.



HON. ALISA A. HART was appointed to the Commission by the New Mexico Supreme Court in July 2017. She is a Criminal Court District Judge in Division 21 of the Second Judicial District for Bernalillo County. Judge Hart was appointed to the Domestic Violence Division of Family Court in 2010 after being recommended by the Judicial Selection Commission. From 2004 to 2010 she served as a Domestic Violence Special Commissioner, and is the former Director of the Family Assessment Intervention Resources (“FAIR”) Program, a collaboration with the Courts and University of New Mexico Psychology Department that assisted families experiencing domestic violence. From 1996 to 2004, Judge Hart was in private practice where she specialized in criminal and family law. She also served as a prosecutor and a public defender. Judge Hart is a graduate of the Hofstra University Law School.



HON. CHERYL H. JOHNSTON was appointed to the Commission by the New Mexico Supreme Court in July 2019. Judge Johnston is a family court Judge in the Thirteenth Judicial District Court, Division VIII in Sandoval, Cibola and Valencia Counties. She received her Bachelor of Arts from Rice University in 1977 and graduated with her Juris Doctor from University of New Mexico School of Law in 1981. Judge Johnston is a member of the National Council of Juvenile and Family Court Judges. Most of her professional legal career was serving as a Deputy District Attorney in the Second Judicial District, as well as at the Thirteenth Judicial District prosecuting Violent Crimes, Sex Crimes and Juvenile Crimes. She was an Assistant Attorney General in the Special Prosecutions Unit with the New Mexico Attorney General's Office. She was a long time member and past Chairman of the Prosecutors Section for the New Mexico State Bar and was appointed as a member of the New Mexico Supreme Court Disciplinary Board. Judge Johnston was also a Senior Attorney Instructor with the Center for International Legal Studies in St. Petersburg, Russia in 2012 and has been a mentor with the Bridge the Gap Program. She currently resides in Corrales with her husband Stanley Johnston Jr., a retired Colonel (NMARNG).



ROBERTA JEAN KAMM was appointed to the Commission by the Governor in July 2019. She is a native of Raton, New Mexico. She has been married for 20 years to Terry Kamm, Esq., who practices locally and will retire on December 31, 2021. The Kamms have five grown children. Ms. Kamm has worked in the insurance industry since 1978, and holds a Certified Insurance Counselor (CIC) designation. She currently manages both Arthur Insurance Agency offices located in Raton and Angel Fire.



HON. MAURINE LANEY was appointed to the Commission by the New Mexico Supreme Court in July 2015. Judge Laney has served as Magistrate Judge in the Grant County Division I Magistrate Court in Silver City, New Mexico since 2011. Judge Laney began her career in the magistrate courts, fresh out of high school in 1992 as a court clerk, and over the last 24 years has held the positions of judicial specialist, DWI clerk, Warrant Enforcement Specialist, and was Court Manager from 2004 to 2010. She is a member of the Judicial Education Center's training faculty, where she has taught workshops on Civil Case Processing, Advanced Civil Procedures, Landlord Tenant, and Domestic Violence cases at the New Mexico Judicial Education Center's Magistrate Clerks' Conference, Magistrate Judges' Conference, and New Judge Training. She is a board member of the New Mexico Magistrate Judges' As-

sociation, and currently serves on the Judicial Personnel Rules Committee, and Odyssey Judges' User Group Committee. In her local community, Judge Laney also serves on the Grant County Community Health Council, Juvenile Justice Strategic Planning Council, and the Kiwanis Club of Silver City.



HON. STEVEN O. LEE was appointed to the Commission by the New Mexico Supreme Court in July 2013. A native New Mexican, Judge Lee is a former Marine and Vietnam veteran and was awarded the Purple Heart. Upon discharge from the Marine Corps, he attended New Mexico State University and graduated with an associate degree in criminal justice, and studied law at Taft University School of Law. He began working with the Alamogordo Department of Public Safety and retired as Chief in 1998. He was elected Municipal Judge of Alamogordo in 2002 and is now in his fourth term. Judge Lee is a past-President of the Municipal Judges' Association and serves as Chair of the Education Committee. He has been appointed by the New Mexico Supreme Court to serve on the Judicial Education and Training Advisory Committee,

the Rules Committee for Courts of Limited Jurisdiction, and is the first municipal judge to be appointed to the Judicial Standards Commission.



NANCY R. LONG, ESQ. was appointed to the Commission by the New Mexico Board of Bar Commissioners in 2018. A graduate of the University of New Mexico School of Law, she is a shareholder with Long, Komer & Associates in Santa Fe. Nancy's practice is comprised of general counsel representation for public and private clients and representation of clients in complex commercial cases including multi-jurisdictional class action and anti-trust litigation, and representation of clients in state courts throughout New Mexico and in federal court. A significant portion of Nancy's practice is also transactional and includes real estate related matters. Nancy's litigation practice has resulted in significant and often cited precedent in the areas of civil rights and land use law, among others. For many years, Nancy has

been AV rated by Martindale Hubbell, the highest rating given for legal ability and ethics. She is also a board member for Century Bank in Santa Fe, serves as a volunteer with Santa Fe County's Teen Court program and has previously served many civic and non-profit organizations as a volunteer or board member.



OMAR PEREYRA, DDS was appointed to the Commission by the Governor in October 2020 to fill the remainder of a term, and then was reappointed in 2021 to a new, full term. Originally from Abiquiu, New Mexico, Dr. Pereyra enlisted in the United States Navy after graduating high school. He worked as a Dental Assistant in the Navy and after five years of service was honorably discharged. Following his military service, Dr. Pereyra lived in Japan, San Diego, CA, and Bremerton, WA, and traveled to Thailand, South Korea, Malaysia, Australia, Canada, and Hawaii. Dr. Pereyra attended the University of New Mexico and graduated with a degree in biology. During the year between graduating from UNM and attending dental school, he worked at the Los Alamos National Laboratory in the Theoretical Biology Department and continued his education at The University of Phoenix where he earned a

Master of Business Administration degree. He earned his Doctor of Dental Science degree from the University of Missouri-Kansas City School of Dentistry, and returned to the New Mexico pursuing an Advanced Education in General Dentistry (AEGD) program at the University of New Mexico School of Medicine. Dr. Pereyra has been in the dental field for a total of 10 years. He is married and has two daughters.



TWILLA C. THOMASON was appointed to the Commission by the Governor in August 2019. Ms. Thomason grew up on Hobbs, New Mexico and graduated from Hobbs High School. She received a Bachelor of Science degree in Agricultural Economics/Agricultural Business from New Mexico State University in 2000, and a Master of Science degree in Agricultural, Environmental and Regional Economics, specializing in Consumer Behavior from The Pennsylvania State University in 2002. She has worked for Western Commerce Bank in the Trust Division for 16 years, and as Trust Officer/Vice President overseeing the department for 9 years.

CHAIRS OF THE COMMISSION

JOYCE BUSTOS, February 2012–Present

LARRY TACKMAN, April 2011–February 2012

DAVID S. SMOAK, August 2004–March 2011

HON. DAN SOSA, JR. , October 2003–August 2004

DOUGLAS W. TURNER, July 2001–March 2003

BARBARA A. GANDY, August 1999–June 2001

DOUGLAS W. TURNER, April 1997–August 1999

ELEANOR SELIGMAN, February 1996–April 1997

DONALD PERKINS, August 1994–February 1996

FRED HARRIS, July 1992–August 1994

PEGGY C. TRAVER, September 1991–June 1992

HUBERT QUINTANA, July 1989–September 1991

HARRY THOMAS, June 1985–July 1989

JUNE O. KELLER, December 1984–June 1985

ALBERT N. JOHNSON, August 1983–December 1984

ELOY A. DURAN, September 1982–August 1983

SUSAN S. DIXON, July 1981–September 1982

LUCY M. SALAZAR, August 1980–July 1981

LOIS CHAPMAN, July 1979–August 1980

LUCY M. SALAZAR, August 1977–July 1979

DORIS WAKELAND, July 1975–August 1977

RICHARD VANN, June 1974–June 1975

LUCY M. SALAZAR, October 1972–June 1974

MORRIS E. H. BINGHAM, June 1970–October 1972

BOYD WEST, November 1969–June 1970

LUTHER A. SIZEMORE, July 1968–November 1969

EXECUTIVE DIRECTORS

RANDALL D. ROYBAL, ESQ.
August 2009–December 2021

JAMES A. NOEL, ESQ.
January 2004–June 2009

PEG A. HOLGUIN, ESQ.
July 1993–October 2003

SAMUEL W. JONES, ESQ.
September 1984–June 1993

DAVID R. GARDNER, ESQ.
October 1974–September 1984

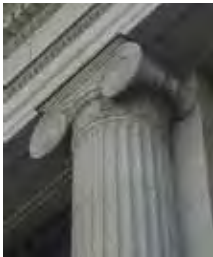
ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

Article VI, Section 32 of the New Mexico Constitution and New Mexico Statutes Annotated §§34-10-1, et seq., authorize the Judicial Standards Commission to investigate complaints involving allegations of willful misconduct in office; persistent failure or inability to perform judicial duties; habitual intemperance; and disability seriously interfering with the performance of judicial duties which is, or is likely to become, of a permanent character.

The Commission's jurisdiction extends over complaints made against currently serving Justices of the Supreme Court and all other Judges within the Judicial Branch of New Mexico State Government, including the Court of Appeals, district courts, metropolitan court, magistrate courts, probate courts, and municipal courts.

By law the Commission has no jurisdiction over special commissioners, hearing officers, or other non-elected employees who are not justices or judges, as required by Article VI, Section 32 of the constitution. Furthermore, no jurisdiction exists for the Commission to review complaints against federal judges or magistrates; or New Mexico Executive Branch hearing officers and judges.



The Commission's constitutional and statutory provisions, the Code of Judicial Conduct, and the procedural rules applicable to our cases are available on the Commission's website at www.nmjsc.org>Resources> Governing Provisions of Law.

During its FY 2019 General Session, the state legislature passed an amendment to the Commission's enabling statutes (effective January 1, 2020) that broadened the Commission's jurisdiction by to include "court-appointed commissioners, hearing officers, and administrative law judges while acting in a judicial capacity." However, no accom-

panying resolution putting the question of whether to amend the Commission's constitutional provision was introduced or passed, which is required to place an amendment on the ballot for a vote of the electorate.

Because the Commission's jurisdiction is created and defined by the state constitution and not statute, the Commission requested a formal written Opinion from the Attorney General concerning on the constitutionality of the statutory amendment. The Attorney General found the statutory amendment to be unconstitutional without the accompanying passage of a constitutional amendment to the Commission's constitutional provision.

The Commission asked the interim legislative Courts, Corrections and Justice Committee to resolve the issue by either repealing the statutory amendment or by getting an proposed constitutional amendment passed. When the Legislature acts on the issue, the Commission will report the outcome here. Until that time, however, the Commission will continue to only review complaints filed against justices and judges as authorized by its constitutional provision.

CONFIDENTIALITY

Article VI, Section 32 of the New Mexico Constitution mandates that “[a]ll papers filed with the commission or its masters, and proceedings before the commission or its masters, 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 that 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 (i.e., persons other than the subject judge or the Commission).

The New Mexico Supreme Court’s files and hearings are accessible to the public unless sealed by the Court pursuant to the rules and orders of the Court. *See*, NMRA 27-104. A complainant’s name and complaint may eventually be disclosed to the judge who is the subject of the complaint, as outlined in the Commission’s procedural rules. A complainant may be called to participate and/or testify in Commission proceedings.

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

ACTIONS THE COMMISSION CANNOT TAKE

The Commission is not an appellate court. The Commission cannot change any judge assigned to a case, cannot change a judge’s decision or order on any matter, cannot intervene in a case on behalf of a party, and cannot otherwise affect an ongoing court case or appeal. The filing of a disciplinary complaint with the Commission does not by itself require a judge to recuse or be disqualified from an underlying court case. The Commission and its staff do not provide legal advice.

FILING, REVIEW AND INVESTIGATION OF COMPLAINTS

Anyone may file a complaint against a judge using the Commission’s complaint form. The Commission may also docket allegations on its own motion, as may the Commission’s Executive Director/General Counsel. The Judicial Standards Commission Rules require that complaints be verified (i.e., substantiated by oath and notarized). The Commission may undertake an investigation on its own motion when it has credible knowledge of misconduct by, or disability of, a judge.

Inquiries about complaint procedures may be made in writing or by telephone. When a complaint is received, the Commission and/or its staff review the complaint to determine if it falls within the Commission’s jurisdiction. After determining that jurisdiction exists, the Commission may conduct an initial investigation. The Commission may direct staff to conduct further investigation, if necessary.

Judges are **not** notified of frivolous or unsubstantiated complaints, or complaints that are beyond the Commission’s jurisdiction or are appellate in nature. Staff investigates and gathers documents for the Commission, which typically dismisses unsubstantiated allegations and/or entire complaints after review.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

If it is determined that a complaint, report or other information about the judge's conduct could reasonably constitute good cause for the Commission to review or act, the Executive Director and/or Commission staff may conduct a confidential investigation. If after initial investigation, documentation, and review the Commission finds insufficient grounds to proceed, then it will close the case without further action. The complainant will be informed of the general disposition subject to confidentiality restrictions. A closure of the matter at this stage of the Commission's proceedings remains confidential.

Investigation. If the complaint appears to allege facts not obviously frivolous or unfounded, and to indicate a disability or violation of the New Mexico Code of Judicial Conduct, the Commission may complete an investigation to determine whether the allegations can be substantiated by credible evidence, whether the Code of Judicial Conduct was violated, and whether Commission action is necessary. The judge will be notified with a Notice of Investigation that sets forth the nature of the complaint. The judge must respond in writing to the Notice of Investigation. If after review of the response the Commission does **not** determine that the matter should be closed, the Commission will invite the judge to participate in a voluntary, informal, and confidential conference with the Commission. The Commission's investigative trial counsel assigned to the inquiry is required to provide the judge with initial disclosures when the invitation is sent. At the conference the judge may present the written response in person and offer additional information or explanation to the Commission. The Commission may ask questions or request further explanation from the judge to complete review and determine whether to dismiss, to propose an informal disposition, or to proceed to issue formal charges against the judge. A judge's decision not to participate in the informal conference will **not** be deemed a failure to cooperate by the judge.

Formal Proceedings. If at least seven (7) of the thirteen (13) members of the Commission vote to begin formal proceedings, a Notice of Formal Proceedings will be issued and served upon the judge. The Notice of Formal Proceedings will contain the charges alleged, the facts upon which the charges are based, the laws, canons and rules allegedly violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings. The judge's answer to the Notice of Formal Proceedings shall be in writing.

Upon filing and issuance of the Notice of Formal Proceedings, the Commission will set the matter for a hearing on the merits. The Commission may hear the case itself or appoint three judges as special masters to hear the matter, take evidence, and report their findings to the Commission. The formal hearing is a closed hearing. The judge has a right to and is given a reasonable opportunity to defend with evidence, to be represented by counsel, and to examine and cross-examine witnesses. The standard of proof is clear and convincing evidence. At least seven Commissioners must agree on a determination of misconduct and in recommending removal, retirement or discipline of a judge to the New Mexico Supreme Court.

If the Commission determines at any time prior to the conclusion of the formal proceedings that there is insufficient evidence to support allegations against the judge, those allegations will be dismissed. In some cases, the Commission has found evidence of wrongdoing, but has determined that the judge's actions were the result of misunderstanding, rather than willful misconduct. In those situations, the judge may be referred for counseling to the New Mexico Supreme Court or to a judge having supervisory authority.

Dispositions. The Commission may dispose of a case by dismissing it, privately informing the judge that the conduct may violate the standards of judicial conduct, and/or proposing mentorship, professional counseling, assistance, or other remedial measures for the judge.

Sanctions. If the Commission votes to recommend to the New Mexico Supreme Court that a judge should be sanctioned, the following sanctions are available: removal, involuntary retirement, discipline (suspension, limitations or conditions on judicial duties, censure, fine), or any combination of the above. The Supreme Court may set a hearing on the Commission's recommendations, and render a decision adopting, rejecting, or modifying the recommendations of the Commission or requiring some other action.

COMPLAINTS, DISPOSITIONS & PERFORMANCE

JULY 1, 2020–JUNE 30, 2021

COMPLAINTS RECEIVED

In FY 2021 the Commission received 150 written complaints, which is comprised of the following: 120 verified complaints (includes Commission and General Counsel complaints, and reopened inquiries) and 30 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS



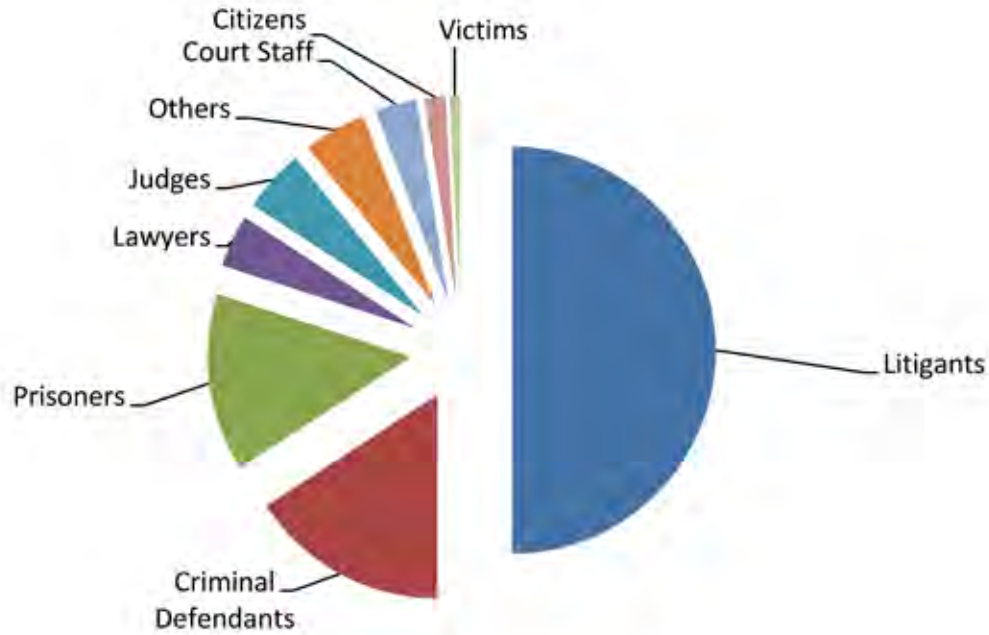
The Commission staff assist the public with telephonic and in-person communications. Staff members make every effort to discuss callers' situations in detail as appropriate, and inform callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request them. Complaint forms and detailed filing instructions are available to download from the Commission's website, both in English and Spanish. The complaint may be filled out online, but all forms are still required to be filed with an original, notarized signature.

SOURCES OF VERIFIED COMPLAINTS

Of the 120 verified complaints filed with the Commission, the distribution of the sources of written, verified complaints was the following: 60 by litigants or their family / friends, 19 by criminal defendants or their family / friends, 2 by citizens, 1 by victim(s), 5 by lawyers, 17 by prisoners, 4 by court staff, 6 by judges, 0 by public officials, and 6 by others. Additionally, 0 complaints were initiated by the Commission on its own motion, and 0 were initiated by the Commission's General Counsel. The chart on the following page illustrates these figures.

STATISTICS

COMPLAINT SOURCES



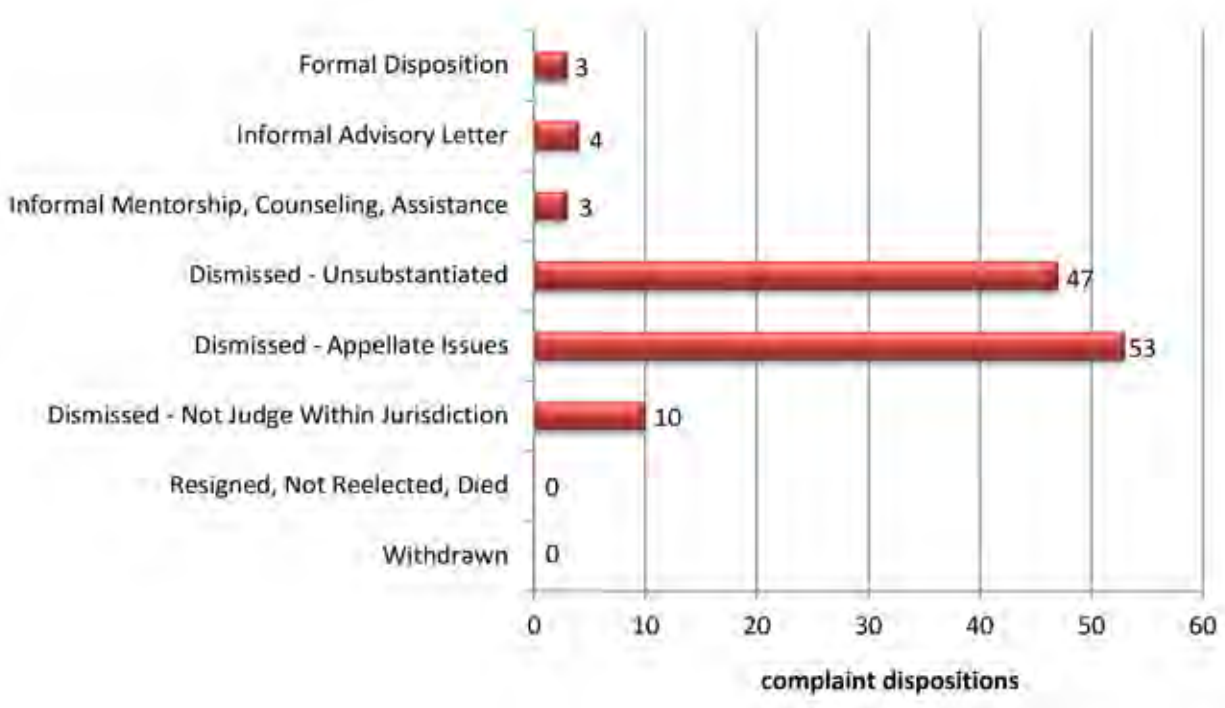
SUBJECT JUDGES OF COMPLAINTS

JUDICIAL BRANCH	VERIFIED COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	0	0.00%
Court of Appeals	2	1.67%
District Court	82	68.33%
Metropolitan Court	2	1.67%
Magistrate Court	20	16.67%
Municipal Court	5	4.16%
Probate Court	3	2.50%
Not a Judge	6	5.00%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY 2021 (July 1, 2020)	35
New Written/Verified Complaints and Inquiries in FY 2021	120
Inquiries Concluded in FY 2021	(120)
Inquiries Pending at End of FY 2021 (June 30, 2021)	35

Of the 120 cases disposed in FY 2021, the Commission concluded 3 cases (involving 3 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 4 informal advisory letters. 53 cases were dismissed as appellate, 10 cases because they concerned individuals beyond the Commission’s jurisdiction, and 47 cases as unsubstantiated. In 3 judges in 3 cases were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. Finally, 0 cases were disposed because the judge had resigned, died, or was not reelected; and 0 complaints were formally withdrawn. The graph below illustrates the FY 2021 case dispositions.

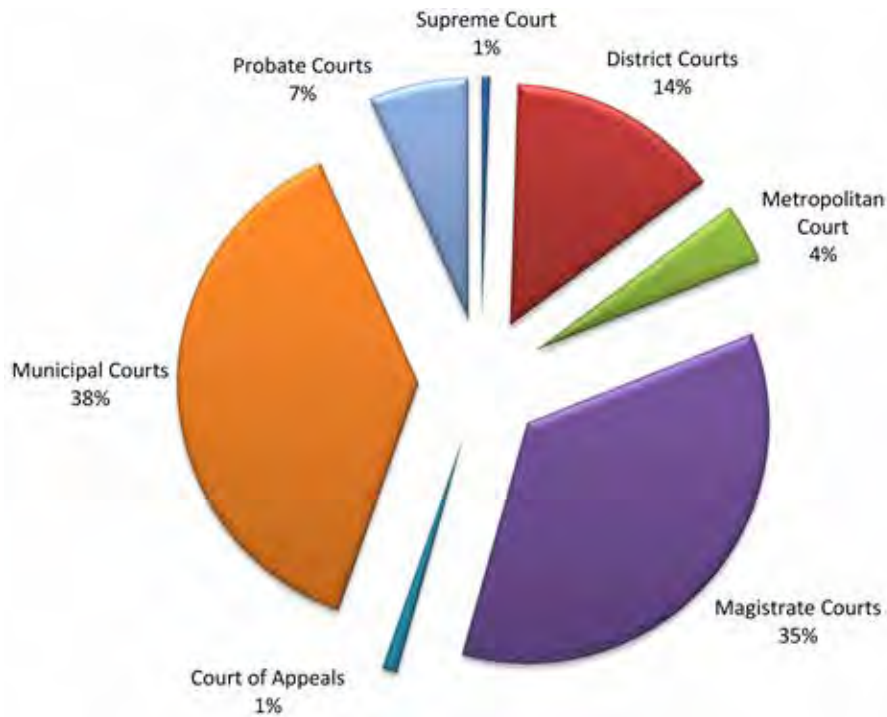


HISTORICAL CASES FILED IN THE SUPREME COURT

Since July 1, 1968, the Commission filed 175 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 143 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the State’s highest court. Of the judicial branches concerned, the Commission’s petitions to the Supreme Court involved the following levels of the State Judiciary in order of the most filings: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and New Mexico Supreme Court.

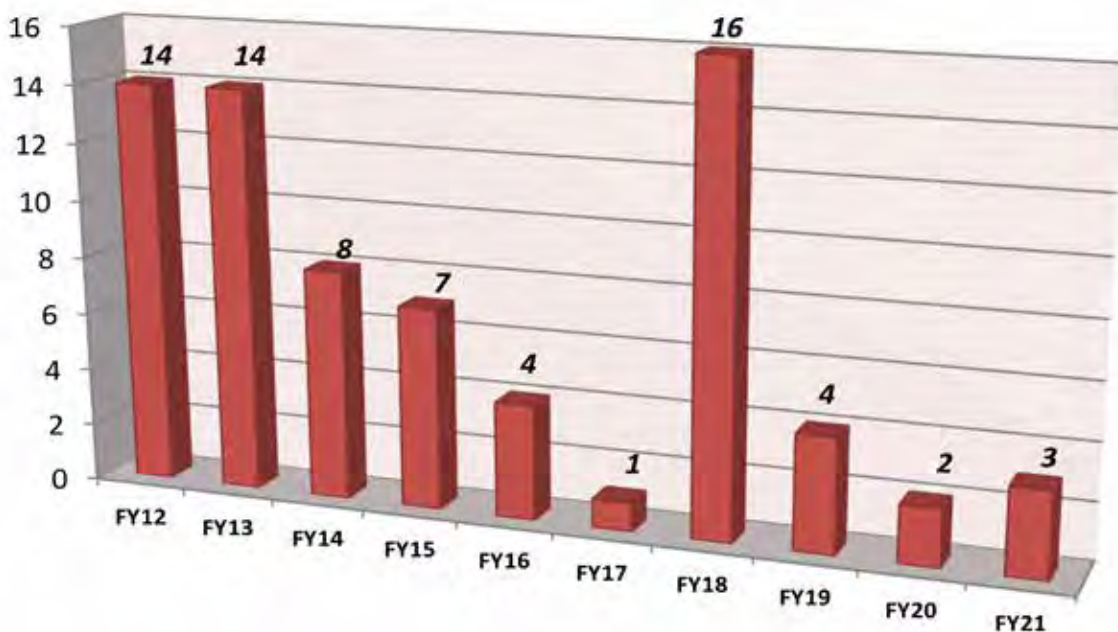
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2021, 3 case(s) involving 3 judge(s) were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 208 cases concerning 98 judges after the respondent judges terminated their judicial offices. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission had issued formal charges and then filed and requested action by the Supreme Court. Following is a ten-year history of cases disposed:



HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case not warranting dismissal, the Commission may dispose of a matter informally. Informal dispositions are not filed with the Supreme Court and remain confidential pursuant to Article VI, Section 32 of the New Mexico Constitution. Allegations disposed of informally were found to merit notice to the judge, but due to their nature, the judge's experience and disciplinary history, or a number of other factors, the Commission determined that an informal disposition was appropriate to address the issues in question. The Commission generally makes no findings of misconduct in matters receiving informal dispositions.

Informal dispositions include issuing confidential cautionary or advisory letters, referring the judge for mentorship, counseling or assistance, or entering into a confidential stipulation agreement concerning the conduct in question. Since its formation in 1968, the Commission has informally disposed of 480 cases. The following tables illustrate the distribution of the informal cautionary or advisory letters, as well as mentorships. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY OR ADVISORY LETTERS (337 CASES)

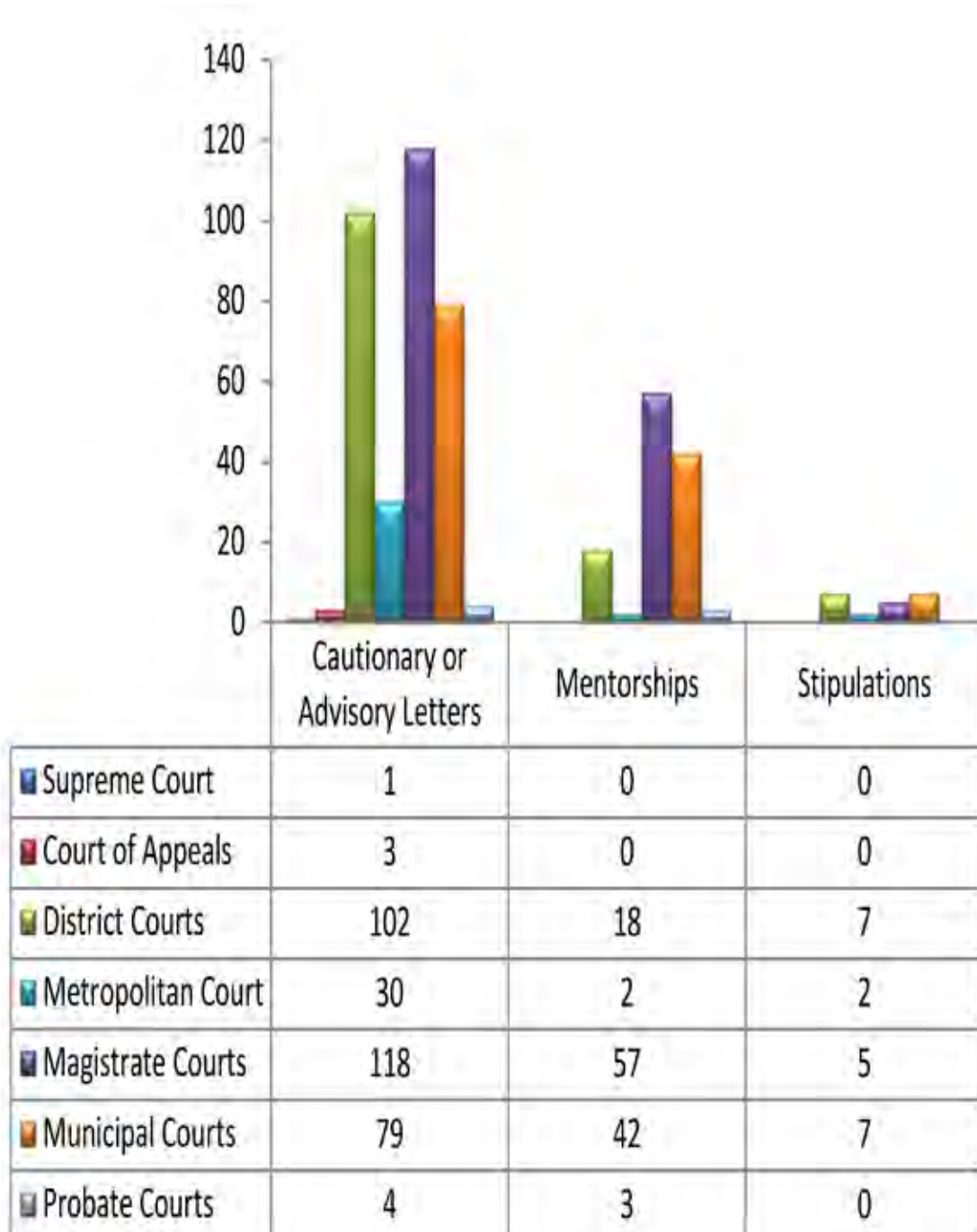
JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	< 1%
Court of Appeals	3	<1%
District Court	102	30%
Metropolitan Court	30	9%
Magistrate Court	118	35%
Municipal Court	79	23%
Probate Court	4	1%

MENTORSHIPS (122 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENTAGE OF ALL MENTORSHIPS
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	18	15%
Metropolitan Court	2	2%
Magistrate Court	57	47%
Municipal Court	42	34%
Probate Court	3	2%

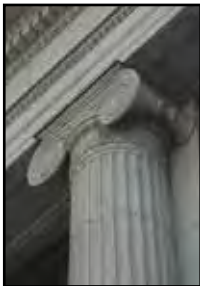
CONFIDENTIAL STIPULATIONS (21 CASES)

In addition to confidential cautionary or advisory letters, and referrals to the mentorship program, the Commission may informally dispose of cases through confidential stipulations. These stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2021, no cases were disposed through confidential stipulation. Historically, the Commission has disposed of 21 cases through such stipulations.



PROCEEDINGS BEFORE THE COMMISSION JULY 2020–JUNE 30, 2021

All of the Commission’s proceedings that resulted in either formal or informal dispositions during FY 2021 are summarized in this section. Formal cases are matters the Commission found to involve the most serious ethical issues under the New Mexico Code of Judicial Conduct, thereby warranting formal review and proceedings before the Commission and /or the New Mexico Supreme Court. Informal cases, although less serious in nature and scope, involve significant issues that the Commission addresses confidentially through advisory letters to the subject judges or by asking judges to complete the Commission’s mentorship program. Judicial Standards Commission petitions filed with the Supreme Court after conducting full evidentiary hearings (trials) are public record, but temporary suspension and other matters are required to be filed under seal in the Supreme Court. All Supreme Court hearings, docket sheets, and orders were available to the public, unless it was otherwise ordered by the Court. The Supreme Court requires in Rule 27-104(B) NMRA that “[t]



The referenced rules are available on our website under: Resources > Governing Provisions of Law.

he contents, the fact of filing, and any other information about any request for temporary suspension, stipulated discipline, or interim relief shall remain confidential until the Court determines that confidentiality is no longer required and enters an unsealing order on its own initiative or grants a motion to unseal pursuant to Paragraph I of Rule 12-314 NMRA.” The Court’s docket sheets in sealed matters accordingly only include the case number and reference to sealed

pleadings without specific title information. The Court also has codified that “[a]ny person or entity who knowingly discloses any material obtained from a court record sealed pursuant to this rule may be held in contempt or subject to other sanctions as the Court deems appropriate.” In January 2012 the Supreme Court adopted the most recent comprehensive amendments to the Code of Judicial Conduct that apply to all judges within the Commission’s jurisdiction. Violation of the rules set forth in the Code of Judicial Conduct is an important, but not exclusive consideration for the Supreme Court when exercising its constitutional power for *de novo* review of judicial disciplinary matters.

FORMAL PROCEEDINGS

In FY 2021, the Commission conducted or initiated formal proceedings concerning 3 case(s) involving 3 judge(s) either before the Commission or the New Mexico Supreme Court. Below are summaries of all formal, non-confidential proceedings filed and on public record with the Supreme Court with events occurring in and /or completed in FY 2021, including new matters.

IN THE MATTER OF HON. HEATH E. WHITE
TORRANCE COUNTY MAGISTRATE COURT
JSC INQUIRY No. 2018-043
SUPREME COURT DOCKET No. S-1-SC-37654

The Commission filed a Notice of Preliminary Investigation concurrent with a Petition for Immediate Temporary Suspension Without Pay (“Petition”) with the Supreme Court on April 19, 2019. The Petition stated in part:

Respondent is under investigation by the New Mexico State Police and is pending likely prosecution by the Attorney General for criminal embezzlement and/or related acts of dishonesty while acting in his recently former position as Torrance County Sheriff.

The Supreme Court ordered Respondent to file a written response to the Petition on or before May 13, 2019. Respondent stipulated to immediate temporary suspension without pay and a motion to accept the stipulation was filed with the Court on May 7, 2019. The Supreme Court granted the Motion to Accept the Stipulation to Immediate Temporary Suspension without Pay effective May 10, 2019, quashed the order to show cause as moot, and unsealed all documents filed in the Supreme Court.

A preliminary hearing was held in the underlying criminal matter on July 24-26, 2019. All of the criminal charges pending against Judge White in case No. D-722-CR-2019-00024 were dismissed without prejudice by the district court on October 23, 2019. The State filed a motion to reconsider on November 1, 2019, which was denied on December 3, 2019. The State later filed an appeal of the district court’s *Order Suppressing Evidence and Order Denying Motion to Recuse and Order Denying State of New Mexico’s Motion to Reconsider Order Suppressing Evidence and Order Denying Motion to Recuse*.

This matter was ongoing at the end of FY 2021, and subsequent events will be reported in the Commission’s FY 2022 Annual Report.

IN THE MATTER OF HON. APRIL J. SILVERSMITH
McKINLEY COUNTY MAGISTRATE COURT
JSC INQUIRY No. 2019-064
SUPREME COURT DOCKET No. S-1-SC-38462

On February 20, 2020, the Commission issued a Notice of Investigation (“NOI”) to Judge Silversmith. Pursuant to Commission Rule 19 NMRA 2020 and following the Commission’s receipt and review of Judge Silversmith’s written response to the NOI, the Commission invited her to participate in an informal confidential conference with the Commission on August 3, 2020 by Zoom video conferencing. The conference afforded Judge Silversmith an opportunity to discuss and explain her response to the NOI in person and provided the Commission an opportunity to ask her questions about the pending allegations and her response to assist in determining the appropriate course of action.

After full consideration of Judge Silversmith’s written response and the information she provided verbally at the informal conference, the Commission issued a Notice of Formal Proceedings (“NFP”) to her and set the matter for a hearing on the merits. The NFP contained the following counts:

1. You failed to attend the April 26, 2019 Magistrate Judges' Association meeting after you requested and were approved to attend that meeting by McKinley County Magistrate Court Presiding Judge Cynthia Sanders, and you failed to report to court on April 26, 2019 and did not have prior approval to take leave from your judicial duties other to attend the Magistrate Judges' Association meeting on April 26, 2019.

2. You failed to diligently perform your judicial duties by incurring excessive absences from the McKinley County Magistrate Court. To wit: you were unavailable and absent from court for approximately 622.50 hours from January 1, 2019 through January 3, 2020, and unavailable and absent from court for approximately 570 hours from January 1, 2018 through December 31, 2018.

3. On or between April 2019 and December 2019 you failed to attend court the required forty (40) hours per week pursuant to Section 35-1-36.1 NMSA 1978 and the Supreme Court's Order No. 19-8500-002, In the Matter of Revisions to Magistrate Court Policy Directives.

4. You failed to notify Hon. Karen Townsend, Chief Judge of the Eleventh Judicial District Court, of absences over two days and whether you had obtained coverage for your absences on the following dates: April 22-26, 2019, August 12-16, 2019, October 9-11, 2019; November 13-14, 2019; and December 23, 2019-January 3, 2020, pursuant to the New Mexico Supreme Court's Order No.19-8500-002, Policy Directive No. 4.

5. You failed to inform court staff that Chelsey Thomas was your niece, failed to recuse from your niece's McKinley Magistrate Court cases, and adjudicated two traffic cases for your niece, to wit: In case number M-35-TR-2017-00358 you dismissed your niece's case with prejudice, and in case number M-35-IR-2017-00610, you dismissed the case after receiving a notice of dismissal from the district attorney's office.

6. On or about March 24, 2016, you initiated an ex parte communication with McKinley County Magistrate Court Manager Kristie Jaramillo regarding your son, Steven Silversmith's McKinley County Magistrate Court case (M-35-TR-2016-00651), and his Bernalillo County Metropolitan Court case (T-4-PR-2015--006035). You e-mailed Ms. Jaramillo the following:

Hi. My son Stephen Silversmith has a traffic case here. He is working full time and plans on coming in next Tuesday March 29th to enter a plea. I noticed he has a Bernalillo warrant also maybe he can take care of that when he comes in?

After receiving a response from Ms. Jaramillo stating that she could send an appearance waiver plea (APW) to him and that he would have to go to Albuquerque to take care of his Bernalillo warrant, you e-mailed the following:

I think he is going to enter a no contest plea because he cant [sic] come back for trial again. I will check to see if he wants us to sent [sic] an APW or still wants to come in I will let you know.

7. You attempted to initiate an ex parte communication with Eleventh Judicial Assistant District Attorney Eric Rhoades regarding a criminal case he was prosecuting in which your daughter, Brittany Silversmith, was the victim. You approached ADA Rhoades at the preliminary hearing and began speaking to him about the case at which

time ADA Rhoades informed you that he could not speak to you. ADA Rhoades reported your conduct to his supervisor.

8. You directed and/or allowed court staff to use your signature stamp to sign court documents when you were unavailable to perform your judicial duties.

9. On or about May 19, 2017 you failed to be patient, dignified or courteous when you yelled at and admonished McKinley County Magistrate Court Manager, Kristie Jaramillo in front of court staff for not immediately closing the court upon hearing of Hon. Kenneth Howard's death.

10. On or about March 20-21, 2014, you failed to be patient, dignified or courteous to McKinley County Magistrate Court Presiding Judge Cynthia Sanders when you confronted her in her chambers, questioned her authority after she denied your requested leave and yelled at her loudly enough to be heard by court staff.

Judge Silversmith entered into a Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings (Stipulation) on August 27, 2020. A petition to accept the Stipulation was filed with the New Mexico Supreme Court on August 28, 2020. On September 4, 2020, the Supreme Court granted the petition, approved the Stipulation and ordered Judge Silversmith's permanent retirement effective August 31, 2020.

IN THE MATTER OF HON. STEPHEN S. SALAZAR
ESPAÑOLA MUNICIPAL COURT
JSC INQUIRY NOS. 2019-136
SUPREME COURT DOCKET No. S-1-SC-38722

The Commission issued a Notice of Investigation to Judge Salazar in Inquiry No. 2019-136 on February 20, 2020. After receiving and reviewing Judge Salazar's answer to the Notice of Investigation, the Commission invited him to an Informal Confidential Conference with the Commission. Judge Salazar attended the Informal Confidential Conference with the Commission on August 3, 2020. Following the Informal Confidential Conference and after full consideration of Judge Salazar's written and oral responses, the Commission issued a Notice of Formal Proceedings to him on August 11, 2020.

On March 10, 2021, the Commission accepted and entered into a Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings with Judge Salazar. In the Stipulation, Judge Salazar admitted he committed the following acts:

On or about December 6, 2019, at the checkout counter in the Lowe's Home Improvement Store in Española, New Mexico, while making a purchase for the Española Municipal Court, [Judge Stephen Salazar] willfully and aggressively shoved Arturo Meza (a fellow City of Española Employee) after Mr. Meza placed a lollipop in [Judge Salazar's] jacket pocket as a prank. After shoving Mr. Meza, [Judge Salazar] turned to [Mr. Meza's] supervisor and requested Mr. Meza's conduct be documented and reported.

Respondent further admitted that his conduct violated Rules 21-101 and 21-102 NMRA of the Code of Judicial Conduct, and that such conduct constitutes willful misconduct in office.

The Commission filed a Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Discipline on March 11, 2021 with the Supreme Court. The Court granted the petition and ordered Judge Salazar's permanent resignation effective at 5:00 p.m. on March 26, 2021. Judge Salazar timely submitted his resignation and the Commission subsequently closed the inquiry.

IN THE MATTER OF HON. ANDRES GOMEZ
SANTA CLARA MUNICIPAL COURT
JSC INQUIRY Nos. 2020-016
SUPREME COURT DOCKET No. S-1-SC-38678

The Commission issued a Notice of Investigation to Santa Clara Municipal Court Judge Andres Gomez in Inquiry No. 2020-016 on July 1, 2020. After receiving and reviewing Judge Gomez's Answer to the Notice of Investigation, the Commission invited him to an Informal Confidential Conference, which he attended on December 7, 2020. Following the Informal Confidential Conference and after full consideration of the Judge Gomez's written and oral responses, the Commission issued a Notice of Formal Proceedings to him on December 29, 2020.

On February 4, 2021, the Commission accepted and entered into a Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings with Judge Gomez. Grounds for the stipulation included his desire to resign to avoid further disciplinary proceedings and the following charge outlined in the Notice of Formal Proceedings:

On or about October 26, 2019 [Judge Gomez] was driving to a hunt when [he] spotted a deer from [his] vehicle. [Judge Gomez] quickly stopped and exited [his] vehicle, [he] grabbed [his] rifle and illegally shot at artificial wildlife from the road contrary to NMSA 1978 Sections 17-2-2.1 and 17-2-7, as well as NMAC 19.31.10.11B. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103 NMRA and constitutes willful misconduct in office.

The Commission filed a Petition to Accept the Stipulation to Permanent Resignation in Lieu of Further Disciplinary Proceedings with the Supreme Court on February 12, 2021. The Court approved and granted the petition on March 26, 2021, and ordered Judge Gomez's permanent resignation effective on January 28, 2021. Judge Gomez timely tendered his resignation, and the Commission subsequently closed the inquiry.

INFORMAL PROCEEDINGS

ADVISORY LETTERS. The Commission may dispose of a matter by privately advising a judge (without making any finding of wrongdoing) that the judge's alleged conduct may violate the Code of Judicial Conduct. Such dispositions are not discipline; instead they notify the judge of a possible issue and suggestions for change and prevention. In FY 2021, the Commission issued Advisory Letters concerning 4 case(s) to 4 judge(s) who were alleged to have done the following:

1. A judge allegedly failed to follow the Rules of Criminal Procedure when the judge issued a no-bond hold on a defendant charged with a felony offense without first receiving an Expedited Motion for Pretrial Detention from the district attorney's office.

The judge was advised to follow the Rules of Criminal Procedure and abide by the Code of Judicial Conduct.

2. A judge set a hearing in a civil matter on a few pending motions, and then at the hearing allegedly initiated a separate, substantive hearing not involving the motions noticed to be heard in the Notice of Hearing. The judge's alleged handling of the hearing deprived the parties of due process as no advance notice was given to them that other issues were going to be heard. The judge was advised to ensure that all parties are afforded their constitutionally entitled due process to reasonable notice.

3. A judge allegedly campaigned for, and attended a public campaign event for a family member running for political office. The judge was advised to avoid political activities that are improper or that create an appearance of impropriety, and to avoid political activities not directly tied to the judge's personal campaign where the judge's involvement may or may appear to violate the Code of Judicial Conduct.

4. A judge allegedly delayed excessively in entering a final decision in a civil matter. The judge was advised to follow the applicable Rules of Civil Procedure and ensure all judgments and decisions are entered in a timely manner.

MENTORSHIPS. The Commission may dispose of a matter by privately asking a judge (without making any finding of wrongdoing) to participate in a confidential mentorship to address and remedy the judge's alleged conduct which may violate the Code of Judicial Conduct. Such dispositions are not discipline; instead they notify and provide the judge with the opportunity to make changes and prevent repetition. In FY 2021 there were 4 case(s) concerning 4 judge(s) who were alleged to have done the following:

1. A judge allegedly disregarded the Rules of Criminal Procedure and violated a defendant's due process rights by failing to transfer the defendant's case to district court after an issue of competency was raised. The judge successfully completed an informal mentorship.

2. A judge allegedly failed to afford due process to a criminal defendant and sentenced the defendant beyond the limits of the judge's jurisdiction. The judge completed an informal mentorship designed to assist with the judge's understanding of the judge's jurisdiction and sentencing responsibilities.

3. A judge allegedly failed to afford due process to a defendant whom the judge believed was behaving unruly during a hearing when the Judge inappropriately issued a bench warrant for the defendant's arrest rather than holding the defendant in direct contempt or issuing an order to show cause why the defendant should not be held in contempt for the behavior at the hearing. The judge completed an informal mentorship designed to (a) assist the judge in understanding how to handle unruly defendants, and (b) further the judge's knowledge of due process rights and proper contempt proceedings according to law.

4. A judge allegedly delayed excessively in entering a judgment in accordance with the applicable Rules of Civil Procedure, and allegedly failed to maintain a proper electronic or paper court file and to ensure the judge's cases were being disposed timely and correctly by court staff. The judge completed an informal mentorship to assist in

understanding the Rules of Civil Procedure, in knowing how to maintain proper records, and in ensuring staff are timely and efficiently setting cases on the judge's docket.

INFORMAL STIPULATIONS. The Commission may enter into stipulation agreements in confidential matters (not filed in the New Mexico Supreme Court) concerning various matters. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. In FY 2021, the Commission entered into informal stipulations with 0 judge(s) concerning 0 case(s).

PUBLISHED DISCIPLINARY CASES

Matter of Martinez, 99 N.M. 198, 656 P.2d 861 (1982)

In re Romero, 100 N.M. 180, 668 P.2d 296 (1983)

Matter of Terry, 101 N.M. 360, 683 P.2d 42 (1984)

In re Lucero, 102 N.M. 745, 700 P.2d 648 (1985)

Inquiry Concerning Perea, 103 N.M. 617, 711 P.2d 894 (1986)

Matter of Rainaldi, 104 N.M. 762, 727 P.2d 70 (1986)

Matter of Atencio, 106 N.M. 334, 742 P.2d 1039 (1987)

Matter of Garcia, 108 N.M. 411, 773 P.2d 356 (1989)

Matter of Castellano, 119 N.M. 140, 889 P.2d 175 (1995)

Matter of Ramirez, 2006-NMSC-021, 139 N.M. 529, 135 P.3d 230

Matter of McBee, 2006-NMSC-024, 139 N.M. 482, 134 P.3d 769

State v. Maestas, 2007-NMSC-001, 140 N.M. 836, 149 P.3d 933

Matter of Garza, 2007-NMSC-028, 141 N.M. 831, 161 P.3d 876

Matter of Locatelli, 2007-NMSC-029, 141 N.M. 755, 161 P.3d 252

Matter of Vincent, 2007-NMSC-056, 143 N.M. 56, 172 P.3d 605

Matter of Griego, 2008-NMSC-020, 143 N.M. 698, 181 P.3d 690

Matter of Rodella, 2008-NMSC-050, 144 N.M. 617, 190 P.3d 338

Matter of Schwartz, 2011-NMSC-019, 149 N.M. 721, 255 P.3d 299

Matter of Salazar, 2013-NMSC-007, 299 P.3d 409

Matter of Naranjo, 2013-NMSC-026, 303 P.3d 849

OTHER STATE CASES REGARDING COMMISSION MATTERS

State ex rel. New Mexico Judicial Standards Com'n v. Espinosa, 2003-NMSC-017 (holding Governor's power to appoint members of Commission includes power to remove members).

State ex rel. New Mexico Judicial Standards Com'n v. Rivera et al., No. 29,239, slip op. (N.M. November 14, 2005) (holding that the district court lacked jurisdiction to conduct evidentiary hearing on a motion to quash a Commission subpoena).

State of New Mexico ex rel. New Mexico Judicial Standards Com'n v. Hon. Trudy Reed-Chase, et al., No. S-1-SC-36879 (May 14, 2018) (order granting writ of prohibition, and finding district courts lack jurisdiction over actions pertaining to judicial disciplinary proceedings and that all proceedings before the Commission are confidential except for the record filed by the Commission in the Supreme Court).

OTHER STATE CASES REFERENCING THE COMMISSION

Sangre de Cristo Development Corp., Inc. v. City of Santa Fe, 84 N.M. 343, 503 P.2d 323 (1972)

Cooper v. Albuquerque City Commission, 85 N.M. 786, 518 P.2d 275 (1974)

State ex rel. Rivera v. Conway, 106 N.M. 260, 741 P.2d 1381 (1987)

Southwest Community Health Services v. Smith, 107 N.M. 196, 755 P.2d 40 (1988)

Concha v. Sanchez, 2011-NMSC-031, 150 N.M. 268, 258 P.3d 106

EXPENDITURES & COST REIMBURSEMENT

As an independent agency of the State of New Mexico, the Judicial Standards Commission is funded by direct general fund appropriations each year by the Legislature. **The Commission is not included in the Judiciary's Unified Budget.** At the end of each fiscal year, unencumbered/uncosted funds revert to the State's general fund.

For FY 2021, the State Legislature appropriated \$897,200.00 to the Commission from the general fund for operations, investigation, and prosecution of judicial misconduct. The FY 2021 Commission expenditures totaled \$874,046.53 from the General Fund. A summary (by category) of the expenditures is provided below.

FY 2021 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$565,879.81	64.74%
Annual Leave Paid at Separation	6,669.95	0.76%
Employee Benefits & Taxes	201,393.79	23.04%
Employee/Board Training & Licensing	1,685.00	0.19%
Commission Travel	375.00	0.04%
Investigation & Prosecution Expenses	0.00	0.00%
Contractual Services	28,218.48	3.23%
Rent, Telecom, IT & Overhead	65,408.26	7.49%
Equipment, Supplies & Postage	4,416.24	0.51%
TOTAL	874,046.53	100.0%

FINES AND COST REIMBURSEMENT DISTINGUISHED

The Supreme Court may impose fines against judges *sua sponte* or upon recommendation by the Commission. Fines are paid to the State of New Mexico and deposited with the Supreme Court. Fines typically are deposited in the general fund, unless otherwise ordered by the Supreme Court. Costs may be assessed by Supreme Court order (JSC stopped requesting reimbursement per FY 2019 rule change), or may be reimbursed on stipulation agreement with the respondent judge. Costs are paid to the State of New Mexico and deposited into the Commission's funds.

OUTSTANDING DEBTS OWED TO THE COMMISSION

In FY 2008 removed Bernalillo County Metropolitan Court judge J. Wayne Griego was ordered by the Supreme Court to reimburse the Commission \$6,704.41 in costs. *Matter of Griego*, 2008-NMSC-020, 143 N.M. 698, 181 P.3d 690. With annual interest (\$536.35) accrued, the total amount still due from Mr. Griego is \$13,676.35. He has failed to make any payments to the Commission, and his debt to the State of New Mexico remains outstanding.

The Commission recorded judgment liens with county clerks, and by law cannot write off debt, even if it is determined not to be collectable.

FY2021 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2021 Final Approved Budget	\$ 879,200.00	
Total FY 2021 General Fund Expenditures		\$ (874,046.53)
FY 2021 General Fund Appropriations Reverted		\$ (5,153.47)
Total Expenditures and Reversion		\$ (879,200.00)

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FINAL APPROVED BUDGET	EXPENDITURES	REVERSION FROM GENERAL FUND APPROPRIATIONS	REVERSION FROM COST REIMBURSEMENTS	GENERAL FUND REVERSION AS % OF FUNDING
2012	706,900.00	705,230.69	1,669.31	0.00	0.236%
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,845.50	0.00	0.332%
2016	853,745.38	847,909.21	5,836.17	0.00	0.684%
2017	818,300.00	817,472.41	827.59	0.00	0.101%
2018	818,300.00	817,270.00	1,030.00	1,899.00	0.126%
2019	849,500.00	838,028.21	11,471.79	994.83	1.350%
2020	897,700.00	889,941.48	7,758.52	0.00	0.871%
2021	879,200.00	874,046.53	5,153.47	0.00	0.586%



Temporary Office Address

STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION
6200 Uptown Boulevard NE, Suite 320
Albuquerque, New Mexico 87110-4159
(505) 222-9353
www.nmjsc.org