

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

2 Filing Date: _____

3 **NO. S-1-SC-35410**

4 **INQUIRY CONCERNING A JUDGE**

5 **NO. 2015-049**

6 **IN THE MATTER OF SARAH M. SINGLETON,**

7 **First Judicial District Judge**

8 **PUBLIC CENSURE**

9 Randall D. Roybal

10 Deborah L. Borio

11 Albuquerque, NM

12 for Judicial Standards Commission

13 James A. Hall, L.L.C.

14 James A. Hall

15 Santa Fe, NM

16 for Respondent

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FEB 15 2016

NM JUDICIAL
STANDARDS COMMISSION

SUPREME COURT OF NEW MEXICO
FILED

FEB 11 2016



1 **ORDER AND PUBLIC CENSURE**

2 {1} WHEREAS, this matter came on for consideration by the Court upon the
3 Judicial Standards Commission's petition to accept a stipulation agreement and
4 consent to discipline (Stipulation) entered into between the Commission and Hon.
5 Sarah M. Singleton (respondent), who is a district court judge in the First Judicial
6 District;

7 {2} WHEREAS, in the Stipulation, respondent admits to the following acts:

- 8 a. On or about January 24, 2015, in the case of *Alfredo Morga, et al.*
9 *v. FedEx Ground Package System, Inc., et al.*, D-101-CV-2012-
10 01906, respondent permitted and engaged in impermissible *ex*
11 *parte* communications with plaintiff's attorney while the case was
12 still pending before respondent;
- 13 b. On or about January 24, 2015, in the case of *Alfredo Morga, et al.*
14 *v. FedEx Ground Package System, Inc., et al.*, D-101-CV-2012-
15 01906, respondent created the appearance of impropriety by
16 engaging in a phone conversation with plaintiff's attorney that
17 involved substantive matters and was outside the presence of the
18 other party or the other party's attorney;

19 {3} WHEREAS, in the Stipulation, respondent admits that she violated Code of
20 Judicial Conduct Rules 21-101, 21-102, 21-209(A) and 21-210(A) NMRA;

21 {4} WHEREAS, in the Stipulation, respondent admits that she engaged in *ex parte*
22 communications contrary to the Code of Judicial Conduct;

23 {5} WHEREAS, in the Stipulation, respondent denies that she engaged in willful

1 misconduct and further denies any malice, corrupt purpose, or dishonesty;

2 {6} WHEREAS, in the Stipulation, respondent acknowledges, however, that the
3 facts support a conclusion that she knew or should have known that her actions were
4 beyond her lawful authority and that such conduct falls within the Supreme Court's
5 definition of bad faith;

6 {7} WHEREAS, in the Stipulation, while the parties agree that violation of the
7 Code of Judicial Conduct, by itself, does not necessarily constitute willful
8 misconduct, respondent acknowledges and stipulates that the facts and evidence,
9 individually and taken together, may constitute willful misconduct in office and one
10 or more violations of the New Mexico Code of Judicial Conduct and provide
11 sufficient basis for the New Mexico Supreme Court to impose discipline pursuant to
12 Article VI, Section 32, of the New Mexico Constitution;

13 {8} WHEREAS, the Stipulation provides that, in stipulating to discipline, the
14 following non-exclusive factors in Judicial Standards Commission Rule 30 NMRA
15 were considered:

- 16 a. the misconduct was an isolated instance;
- 17 b. the misconduct occurred in respondent's official capacity;
- 18 c. the misconduct created a highly publicized appearance of

1 impropriety, which reflects adversely on the judiciary;

2 d. respondent immediately took corrective action and disclosed the
3 *ex parte* communication to all parties;

4 e. respondent showed remorse, was candid and truthful with the
5 Commission, and fully cooperated with the Commission; and

6 f. respondent is a well-respected judge with an excellent reputation
7 and has no history of discipline by the Supreme Court;

8 {9} WHEREAS, in the Stipulation, respondent consents to imposition of a public
9 censure by the Supreme Court to be published in the *New Mexico Bar Bulletin*; and

10 {10} WHEREAS, the Court having considered the petition to accept stipulation
11 agreement and consent to discipline and having determined that acceptance of the
12 stipulation is in the best interests of the judiciary and the public, and the Court being
13 otherwise sufficiently advised, Chief Justice Barbara J. Vigil, Justice Petra Jimenez
14 Maes, Justice Edward L. Chávez, Justice Charles W. Daniels, and Justice Judith K.
15 Nakamura concurring;

16 {11} NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED and
17 respondent, Hon. Sarah Singleton, shall abide by all terms of the *Stipulation*
18 *Agreement and Consent to Discipline*;

19 {12} IT IS FURTHER ORDERED that this order shall serve as respondent's

1 PUBLIC CENSURE and shall be published in the *Bar Bulletin*; and

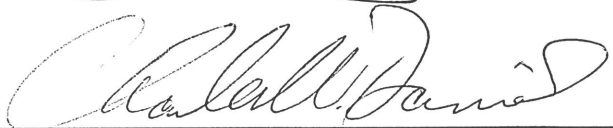
2 {13} IT IS FURTHER ORDERED that the file is UNSEALED in accordance with
3 Rule 27-104(B) NMRA.


4 {14} IT IS SO ORDERED.

5 
6 BARBARA J. VIGIL, Chief Justice

7 
8 PETRA JIMENEZ MAES, Justice

9 
10 EDWARD L. CHÁVEZ, Justice

11 
12 CHARLES W. DANIELS, Justice

13 
14 JUDITH K. NAKAMURA, Justice