



# State Of New Mexico Judicial Standards Commission

## FY24 Annual Report



**STATE OF NEW MEXICO**  
**JUDICIAL STANDARDS COMMISSION**  
6200 UPTOWN BLVD. NE, SUITE 340  
ALBUQUERQUE, NEW MEXICO 87110-4159  
WWW.NMJSC.ORG | (505) 222-9353

**William E. Foote, Ph.D**  
*CHAIR*  
**Roberta Jean Kamm**  
*VICE-CHAIR*  
**KEVIN R. DIXON, PH.D.**  
**HON. BRADFORD J. DALLEY**  
**MARK A. FILOSA, ESQ.**  
**HON. CHERYL H. JOHNSTON**  
**NANCY R. LONG, ESQ.**  
**KRISTIN D. MUNIZ**  
**HON. DAVID OVERSTREET**  
**ROBERT J. RADOSEVICH**  
**TWILLA C. THOMASON**  
**HON. MICKIE L. VEGA**

**PHYLLIS A. DOMINGUEZ, ESQ.**  
*EXECUTIVE DIRECTOR & GENERAL COUNSEL*

November 1, 2024

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 FY 2024 Annual Report. This report not only contains information about our substantive work overseeing state judicial conduct and discipline, but also our structure and performance as an independent, constitutionally mandated state agency.

The Judicial Standards Commission ("JSC") is the ethics agency for the state's judicial branch of government and was created 57 years ago by constitutional amendment (Art. VI, Sec. 32). The JSC has jurisdiction to investigate complaints of willful misconduct of judges, persistent failure or inability of judges to perform the duties of office, habitual intemperance of judges or disability of judges which is, or is likely to be, permanent and seriously interferes with a judge's performance of the duties of office. The Commission's jurisdiction extends over all New Mexico's justices and judges (Probate Courts, Municipal Courts, Magistrate Courts, Metropolitan Courts, District Courts, Court of Appeals, and Supreme Court). The Commission may recommend to the New Mexico Supreme Court the discipline, removal, or retirement of a judge.

In FY24 the Commission received one hundred fifty-four (154) written verified complaints reviewed 15 unverified complaints and disposed of 185 cases. The 185 dispositions included: 135 verified (notarized) cases, 15 unverified filed in FY24 and 35 cases that carried over from FY23. Of these cases, the Commission found grounds to recommend/negotiate for the removal, resignation, or retirement from judicial office of three (3) judges. Of those judges 2 were temporarily suspended from office. Two (2) judges were issued public censures, one (1) judge was temporarily suspended pending resolution of the inquiry that carried over into FY25, and two (2) judges entered into formal mentorships. Along with these formal dispositions three (3) judges in four (4) cases received an advisory letter and two (2) judges retired during an active investigation. These informal dispositions remain confidential.

The Commission may evaluate a complaint and determine that the complaint may result in an informal disposition or result in formal discipline with the Supreme Court. In these cases, Commission rules allow for the Commission to meet with a judge in an informal confidential conference to allow the judge to provide explanations regarding the alleged misconduct and to allow Commissioners to ask questions of the judge in order to narrow the issues and determine an appropriate disposition. The Commission held a total of fourteen (14) Informal Confidential

Conference in FY24. Since some of these sessions involved more than one complaint, this process dealt with a total of twenty-two (22) cases.

In FY24 the Commission instituted two rule changes which facilitated the ease of filing complaints. The first of these changes removed the requirements that all complaints submitted to the Commission must be verified (notarized). The removal of the notarization requirement is significant in furthering the Commission's mission of protecting the public by granting easier access to all who seek to file a complaint and eliminating the cost and inconvenience of having a complaint notarized.

The second change also increased access in the complaint process, as members of the public heretofore had to file a complaint by filling out a paper form and mailing it to the Commission. In June 2024, the Commission restructured its website to allow individuals to file complaints electronically. This innovation is a major accomplishment which ensures efficiency, accuracy and ease of filing complaints for all members of the public. The Commission anticipates the number of complaints will increase, as the ability to file complaints online becomes widely known. Other changes to the website include features that made the site more accessible to disabled users. In addition, the Commission added elements that facilitate translation of complaints from English into other languages.

The Commission consists of thirteen (13) members, each with individual terms. Each year the Commission experiences changes in its membership due to staggered terms. In FY24 the Commission saw the following changes which included three re-appointments of sitting Commissioners and the expiration of a term.

The Governor re-appointed Commissioner Kevin R. Dixon Ph.D. to position 1 to serve a second term commencing on July 1, 2024, to June 30, 2029.

Position 5 which was held by Commissioner Joyce Bustos, a Governor appointee, expired June 30, 2023 and remains unfilled.

The Governor re-appointed Commissioner Roberta "Jean" Kamm to position 10 to serve a second term commencing on July 1, 2024, to June 30, 2029.

The Governor re-appointed Commissioner Kristin Muniz to position 12 to serve a second term commencing on July 1, 2023, to June 30, 2028.

Commissioner Mark Filosa's term expired on June 30, 2024, Mr. Filosa was an attorney member of the Commission appointed by the New Mexico State Board of Bar Commissioners and served two non-consecutive terms.

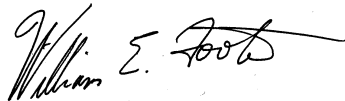
Rebecca Ralph, Esq., was hired to fill a vacant Investigative Trial Counsel position and the Commission saw the retirement of paralegal Andrea Torres whose position remained unfilled as of June 30, 2024.

We are proud to note that our agency is recognized as one of the leading judicial disciplinary agencies nationally, in large part because of excellent staff leadership. Phyllis Dominguez, the Commission's Executive Director, has served on the Board of Directors of the Association of Judicial Disciplinary Counsel ("AJDC") since 2018 and is currently serving as Vice President. In 2023 Ms. Dominguez was appointed to the Advisory Board for the National Center for State Court's Center for Judicial Ethics. Our agency's Executive Director and Commission Chairs have regularly been invited to speak/teach at the national, regional, state, and local conferences concerning judicial conduct and ethics.

Additionally, Krista Ganes-Chavez, our Chief Financial Officer, has been a member of the Association of Government Accounts for 16 years and for ten (10) of those years has served as a Board member of the Albuquerque Chapter and is currently serving as membership chair. In FY24 she received an award of excellence as Membership Chair for increasing the overall Albuquerque Chapters membership growth by 30%. In FY18 while serving as President of the Chapter, she received the Platinum Award of Excellence from the National Association, which is the highest award that can be achieved.

The Staff and Commissioners of the Judicial Standards Commission are looking forward to another year of work on behalf of the citizens of the State of New Mexico.

Sincerely,

A handwritten signature in black ink that reads "William E. Foote". The signature is written in a cursive style with a long horizontal stroke extending to the right.

William E. Foote, Ph.D.  
Chair, Judicial Standards Commission



# F Y 2024 ANNUAL REPORT

## CURRENT COMMISSIONERS

William E. Foote, Ph.D.  
*Chair*

Roberta Jean Kamm  
*Vice-Chair*

Hon. Bradford J. Dalley

Kevin R. Dixon, Ph.D.

Mark A. Filosa, Esq.

Hon. Cheryl H. Johnston

Nancy R. Long, Esq.

Kristin D. Muniz

Hon. David Overstreet

Robert Radosevich

Twillia C. Thomason

Hon. Mickie L. Vega

## OFFICE

6200 Uptown Blvd. NE, Suite 340  
Albuquerque, NM 87110-4159

## TELEPHONE

(505) 222-9353

## WEBSITE

[www.nmjsc.org](http://www.nmjsc.org)

## CURRENT STAFF

Phyllis A. Dominguez, Esq.  
*Executive Director & General Counsel*

Marcus Blais, Esq.  
*Investigative Trial Counsel*

Rebecca Ralph  
*Investigative Trial Counsel*

Krista M. Ganes-Chavez  
*Chief Financial Officer*

Lisa Juarez  
*Paralegal*

Vanessa Garcia  
*Administrative Assistant*

Brianna Stubbs  
*Case Management Spec I*

Photograph courtesy of Krista Ganes-Chavez. Remote-Control Balloons 52<sup>nd</sup> Annual Balloon Fiesta

Judicial Standards Commission

## FORWARD

The Judicial Standards Commission was established in 1967 through constitutional amendment and why it was created is important to understand the Commission's role within the judiciary.

The Commission is charged with preserving the integrity of the judicial process, maintaining public confidence in the judiciary, and creating a greater awareness of proper judicial behavior among judges and the public. When a matter of judicial misconduct or failure or inability to perform judicial duties comes before the Commission, the Commission provides a thorough investigation and a fair and expeditious resolution to the matter.

The Constitutional Revision Commission wrote in its 1967 report in support of establishing the Commission: "In order to achieve an efficient and well-disciplined judicial system possessing the highest degree of integrity, it is felt that an independent commission on the judiciary is necessary to oversee and investigate the performance, conduct and fitness of members of the judiciary."

Following the creation of the Commission, the Supreme Court adopted a Code of Judicial Conduct. The Code establishes standards for the ethical conduct of judges and judicial candidates and "provides guidance and assists judges and judicial candidates in maintaining the highest standards of judicial and personal conduct."

Prior to 1967 impeachment or recall elections were the only ways to remove a judge from office for misconduct. Through the creation of the Commission and its rules, removal is the exception, not the rule. Thousands of cases alleging judicial misconduct have been received by the Commission since 1968 and only seventeen judges have been removed by the Supreme Court.

The New Mexico Supreme Court is the only entity that can discipline a judge. The Commission's role is to investigate complaints and, when appropriate, recommend sanctions to the Supreme Court. Sanctions ordered by the Supreme Court may include suspension, training, limitations or conditions on the performance of judicial duties, professional counseling, mentorship, fine, public censure, resignation in lieu of discipline or, in the most egregious cases of judicial misconduct, removal.

Although the Commission may recommend formal sanctions to the Supreme Court, the Commission's rules allow complaints to be disposed of confidentially with informal (non-disciplinary) dispositions which may include training, mentorships, supervised probation, professional counseling or issuance of an advisory letter.

The Commission and its staff diligently and faithfully perform their constitutionally mandated duties and we look forward to another year of service to the State of New Mexico.

Phyllis A. Dominguez  
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.

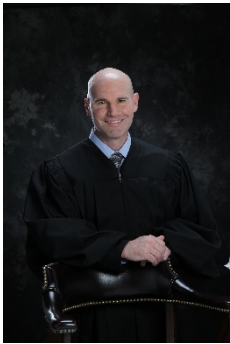
### STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2024

*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	07/01/24-06/30/29
2	William E. Foote, Ph.D. (D)	Governor	07/01/20-06/30/25
3	Robert J. Radosevich (R)	Governor	07/01/21-06/30/26
4	Twillia C. Thomason (I)	Governor	07/01/22-06/30/27
5	Vacant (D)	Governor	07/01/18-06/30/23
6	Nancy R. Long, Esq.	State Bar	07/01/22-06/30/26
7	Mark Filosa, Esq.	State Bar	07/01/20-06/30/24
8	Hon. Cheryl H. Johnston	Supreme Court	07/01/23-06/30/27
9	Hon. Bradford Dalley	Supreme Court	07/01/22-06/30/25
10	Roberta Jean Kamm (I)	Governor	07/01/24-06/30/29
11	Hon. Mickie L. Vega	Supreme Court	07/01/23-06/30/27
12	Kristin D. Muniz (D)	Governor	07/01/23-06/30/28
13	Hon. David Overstreet	Supreme Court	07/01/21-06/30/25

**Commission Members**

## COMMISSION MEMBERS AS OF JUNE 30, 2024



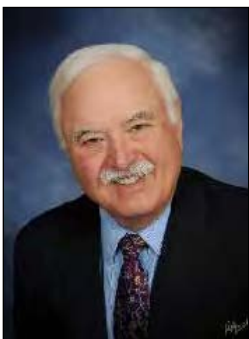
**HON. BRADFORD J. DALLEY.** After graduating from Farmington High School in Farmington, NM Brad went on to Brigham Young University where he received a Bachelor of Arts Degree in Political Science. After graduation from B.Y.U., Brad entered the University Of New Mexico School Of Law and earned a Juris Doctor. After graduating from law school Brad was licensed to practice law in New Mexico, the Navajo Nation and the Federal District of New Mexico. Brad has been practicing law for over twenty-five years and has been a District Court Judge in the Eleventh Judicial District for nine of those years. Brad has served on a number of committees and commissions including the New Mexico Board of Bar Commissioners, the Fostering Connections Advisory Committee, and currently, the Judicial Standards Commission.



**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 Director 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 bachelor's 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. 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 AngelFire.



**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.



**KRISTIN MUNIZ** was born in Albuquerque and raised in Rio Rancho, NM. She went to Menaul School but transferred to Rio Rancho High School and graduated class of 2000. Mrs. Muniz earned an Associates in Criminal Justice in 2010 from Central New Mexico Community College, a Bachelor's of Science in Criminal justice in 2013 from National American University and continued her education by receiving a Masters in Public Administration in 2015 from University of Phoenix. Ms. Muniz also earned a Masters in Social Work in 2018 from New Mexico Highlands University. Ms. Muniz works as a full-time therapist specializing in addictions and trauma in both Espanola and Rio Rancho, NM. She has been married to her husband Jonathan, also a Social Worker, for 6 years. Together they have 6 children ages 12-22.



**HON. DAVID OVERSTREET** was appointed to the Commission by the NM Supreme Court in February 2023. Judge Overstreet serves as the municipal court judge in his hometown, Alamogordo, NM. In addition to having an active law license and operating a martial arts academy with his wife, Beth, Juge Overstreet teaches criminal justice and paralegal studies courses at New Mexico State University-Alamogordo.



**ROBERT J. RADOSEVICH** was appointed to the Commission by the Governor in March 2022. He is a lifelong resident of New Mexico graduating from Del Norte High School in Albuquerque. He enlisted in the US Army and served overseas for three years receiving an honorable discharge. He served the citizens of Bernalillo County for 20 years retiring as a Sergeant overseeing the District Court Security Division. He was elected to the Rio Rancho City Council serving from 2002-2006. He returned to serve the citizens of Albuquerque for an additional 18 years in the Auto Theft Division. He has been married to his wife Roberta for 22 years, living in Rio Rancho.



**TWILLA C. THOMASON** was appointed to the Commission by the Governor in August 2019. Ms. Thomason grew up in 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.



**MICKIE L. VEGA** was appointed to the Commission by the New Mexico Supreme Court in February 2023. Judge Vega has served as a Magistrate Judge for Lincoln County in Division 1, Carrizozo, since 2014. She received her Bachelors degree with emphasis in Criminal Justice and Psychology, and her Associate of Arts degree, Paralegal studies from Eastern New Mexico University. She began her career with the Judiciary in 2001, working for the 12<sup>th</sup> Judicial District Court in various positions to include Judicial Specialist, Court Monitor, TCAA, and Court Manager. Judge Vega is a member of the State Bar of New Mexico, Paralegal division since 2011. Judge Vega has served on several committees throughout her terms in office to include Code of Professional Conduct, Judicial Information System Counsel (JIFFY/JTEC), Courts of Limited Jurisdiction Rules Committee, and the Civil Rules Committee; currently she serves as the Vice-Chair for the forms committee. Judge Vega presides over the innovative pre-adjudication Drug Court for the 12<sup>th</sup> Judicial District for first time felony drug offenders.

## CHAIRS OF THE COMMISSION

WILLIAM E. FOOTE, Ph.D., August 2022-Present

JOYCE BUSTOS, February 2012–August 2022

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

PHYLLIS A. DOMINGUEZ, ESQ.  
January 1, 2022–Present

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 all justices and judges within the Judicial Branch of New Mexico State Government including the Supreme Court, Court of Appeals, district courts, metropolitan court, magistrate courts, municipal courts and probate courts.

By law, the Commission has no jurisdiction over special commissioners, hearing officers, or other non-elected employees who are not justices or judges, pursuant to Article VI, Section 32 of the New Mexico 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.

## **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.

## **ACTIONS THE COMMISSION CAN TAKE**

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 act, the Executive Director and/or Commission staff will 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.

## **FILING, REVIEW AND INVESTIGATION OF COMPLAINTS**

Anyone may file a complaint against a judge using the Commission’s complaint form via the Judicial Standards Commission’s website or by mailing a complaint form to the Commission. The Commission may also docket complaints on its own motion, as may the Commission’s Executive Director/General Counsel. 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, by telephone, or by accessing the Commission’s website, [www.nmjsc.org](http://www.nmjsc.org). When a complaint is received, the Executive Director

reviews the complaint to determine if it falls within the Commission's jurisdiction. After determining that jurisdiction exists, Commission staff conducts a confidential initial investigation and files a report on the initial investigation with the Commission.

Judges are **not** notified of unsubstantiated complaints, complaints that are beyond the Commission's jurisdiction or complaints that are appellate in nature. Staff thoroughly investigates, gathers documents on all complaints and compiles a report for presentation to the Commission. The Commission reviews staff's report and determines whether a complaint should be dismissed for lack of jurisdiction, if the allegations are unsubstantiated, if the allegations are appellate in nature or if the complaint should merits further investigation.

***Investigation.*** The Commission will investigate and review all complaints to determine whether the allegations can be substantiated by credible evidence, whether a disability exists that may interfere with judicial duties, whether the Code of Judicial Conduct was violated, and whether Commission action is necessary. If the complaint is not dismissed, 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 the Commission, after review of the response, 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 their response and offer additional information or explanation to the Commission. The Commission may ask questions or request further explanation from the judge to help determine an appropriate disposition. The Commission may require additional investigation, dismiss the case, propose an informal or formal disposition, or proceed with 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, the facts upon which the charges are based, the laws, canons and rules violated, and the constitutional provisions under which the Commission invokes its jurisdiction.

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 which may accept, reject, or modify the masters' recommendation. The formal hearing is a closed hearing. The judge has the right and is given a reasonable opportunity to defend the charges 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 (7) Commissioners must agree on a determination of willful misconduct to recommend discipline, removal, or retirement 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 charges against the judge, those charges will be dismissed. If, after the conclusion of the formal proceedings, the Commission finds willful misconduct, it may dispose of the case with an informal disposition or recommend discipline, removal or retirement to the New Mexico Supreme Court.

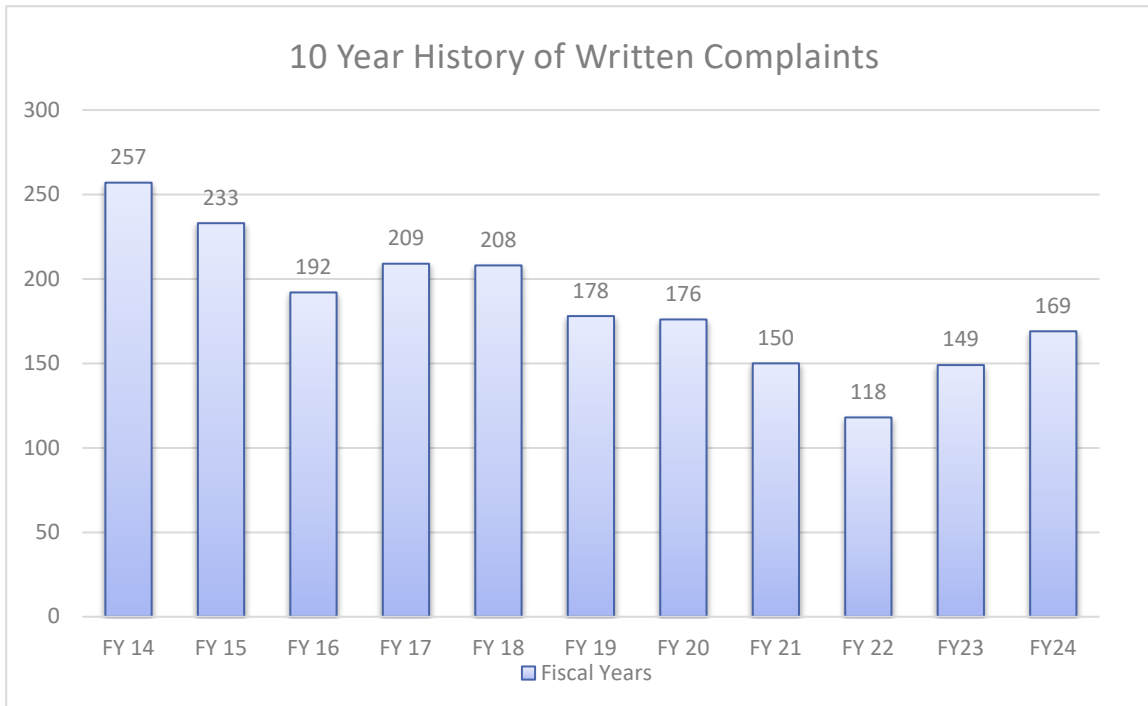
***Dispositions.*** The Commission may dispose of a case by dismissing it, confidentially informing the judge that the conduct may violate the standards of judicial conduct, and/or proposing mentorship, professional counseling, assistance, or other remedial measures.

***Sanctions.*** If the Commission votes to recommend to the New Mexico Supreme Court that a judge should be sanctioned, the following sanctions are available: resignation, removal, involuntary retirement, discipline (suspension, limitations or conditions on judicial duties, counseling, mentoring, training, censure, fine or other discipline appropriate to the conduct), 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, 2023–June 30, 2024



STATISTICS

### COMPLAINTS RECEIVED

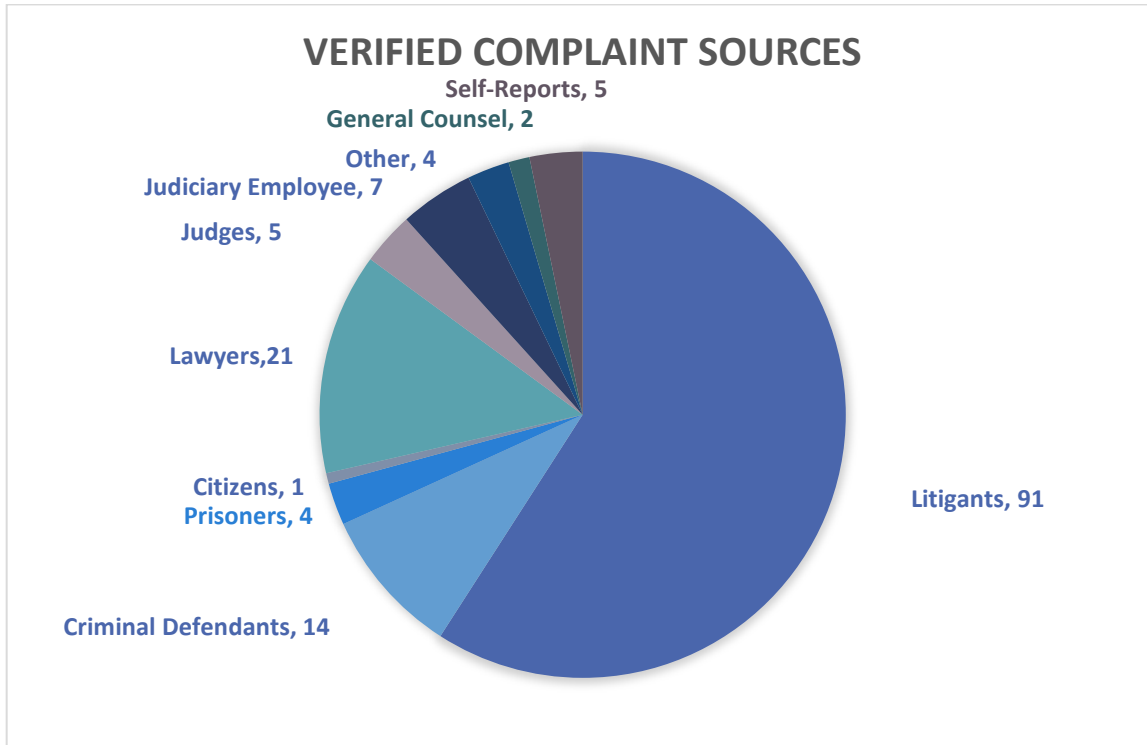
In FY 2024 the Commission received 169 written complaints, which is comprised of the following: 154 verified (notarized) complaints (includes Commission and General Counsel complaints, and reopened inquiries) and 15 unverified complaints.

Commission staff assists 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. In FY24 the Commission initiated a rule change which removed the requirement that complaints had to be verified (notarized) before filing. The fifteen (15) unverified complaints noted above were received prior to the rule change. Pursuant to this rule change complaints may now be submitted online via the Commission's website. If requested, complaint forms will be mailed to those callers who request them. Complaints may also be downloaded from the Commission's website and are available in English and Spanish.

## SOURCES OF VERIFIED COMPLAINTS

The source distribution of the 154 verified complaints filed with the Commission in FY24 were as follows: 91 by litigants or their family/friends, 14 by criminal defendants or their family/friends, 1 by citizens, 21 by lawyers, 4 by prisoners, 7 by judiciary employees, 5 by judges, 2 by the General Counsel, 5 self-reports and 4 by others. The chart below illustrates these figures.

## COMPLAINT SOURCES



## SUBJECT JUDGES OF COMPLAINTS

JUDICIAL BRANCH	VERIFIED COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	100	65%
Metropolitan Court	5	3%
Magistrate Court	30	20%
Municipal Court	11	7%
Probate Court	0	0%
Not a Judge	8	5%

**CASE DISPOSITIONS**

Inquiries Pending at Beginning of FY 2024 (July 1, 2023)	40
New Written/Verified Complaints and Inquiries in FY 2023	154
Verified Inquiries Concluded in FY 2024	(170)
<b>Inquiries Pending at End of FY 2024 (June 30, 2024)</b>	<b>24</b>

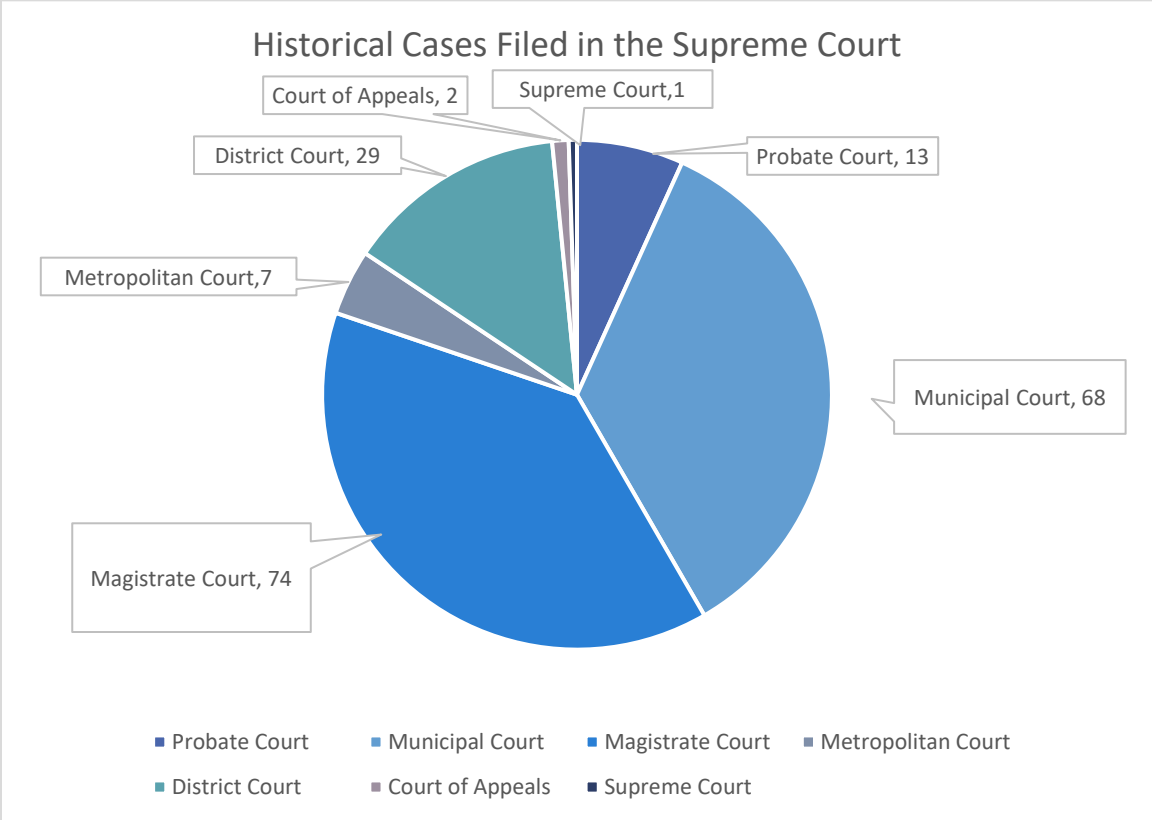
Of the 185 complaints concluded at the end of FY24 (170 verified and 15 unverified), the Commission found grounds to recommend the removal, retirement or resignation of three (3) judges in four (4) cases (2 of which were temporarily suspended from judicial office). Additionally, two (2) cases were disposed where the judges retired during an active investigation. Two (2) judges were issued public censures, and two (2) judges entered into formal mentorships. Along with these formal dispositions three (3) judges in four (4) cases received advisory letters.

The case dismissals in FY24 were as follows: 38 cases dismissed as appellate; 12 cases dismissed as beyond the Commission’s jurisdiction; 7 cases were abated; 86 cases dismissed as unsubstantiated; and 13 complaints were dismissed after investigation. One (1) judge was temporarily suspended pending resolution of the inquiry which carried over into FY25.

**HISTORICAL CASES FILED IN THE SUPREME COURT**

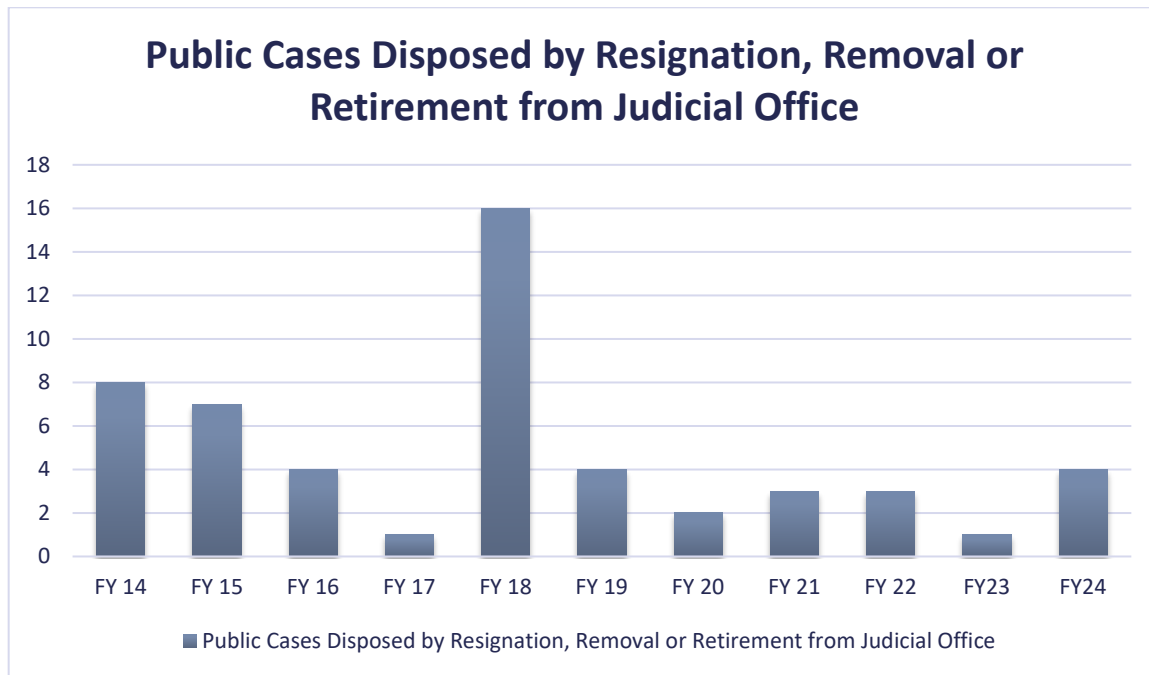
Since July 1, 1968, the Commission filed 194 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 114 judges. By their nature, these cases involve willful misconduct, persistent failure or inability to perform a judge’s duties, habitual intemperance, or disability seriously interfering with the performance of the judge’s duties thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the Supreme Court. The Commission’s petitions to the Supreme Court involved the following levels of the state judiciary in order of the most filings: magistrate courts, municipal courts, district courts, probate courts, metropolitan court, and Court of Appeals.

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



**PUBLIC CASES DISPOSED BY RESIGNATION, REMOVAL OR RETIREMENT FROM JUDICIAL OFFICE**

In FY 2024, 4 cases were disposed of after the Commission found grounds to recommend the resignation, removal or retirement from judicial office to the Supreme Court. Since its inception, the Commission has disposed of 94 cases after the respondent judges resigned, retired or were removed from judicial office. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission issued formal charges and then filed and requested action by the Supreme Court. The following chart is a ten-year history of cases disposed by resignation, removal or retirement.



## HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case not warranting dismissal, the Commission may dispose of a case informally. Informal dispositions are not filed with the Supreme Court and remain confidential with the Commission pursuant to Article VI, Section 32 of the New Mexico Constitution. The Commission may dispose of a case through an informal disposition after consideration of the nature of the allegations, a judge’s experience, disciplinary history, or other factors. The Commission makes no findings of misconduct in matters receiving informal dispositions.

Informal dispositions include advisory letters, mentorship, counseling or other assistance, or entering into a confidential stipulation agreement concerning the conduct in question. Since its formation in 1968, the Commission has informally disposed of 495 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 (344 CASES)

Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	1	< 1%
Court of Appeals	2	<1%
District Court	107	30%
Metropolitan Court	30	9%
Magistrate Court	120	35%

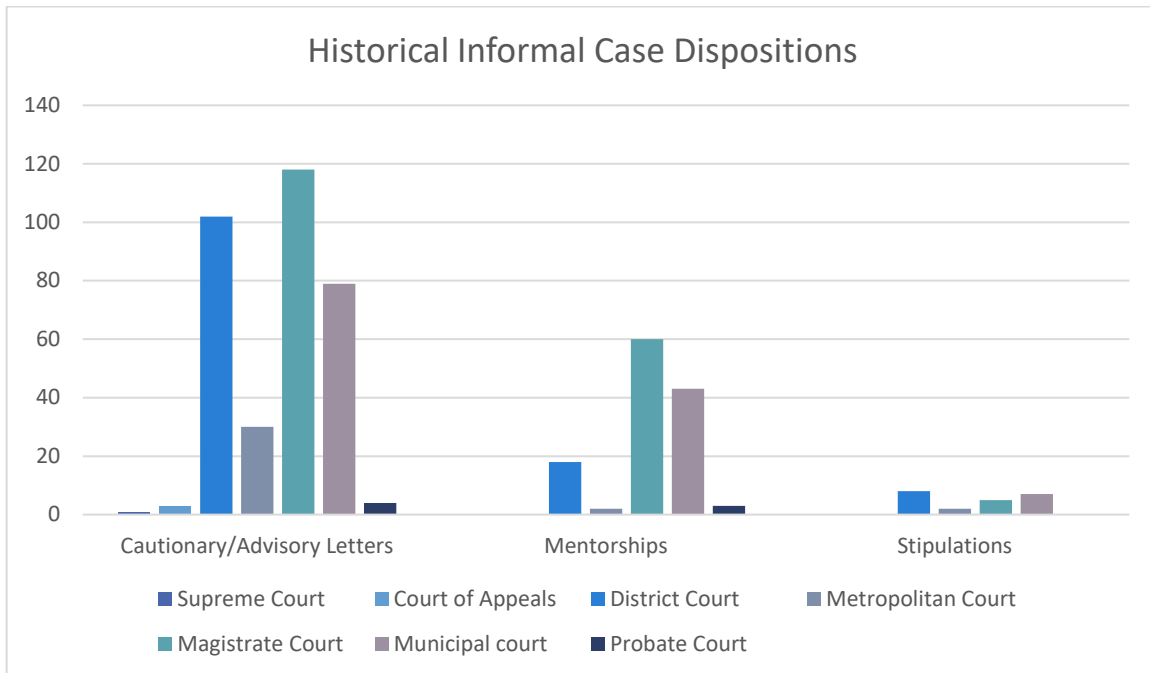
Municipal Court	79	23%
Probate Court	5	1%

**MENTORSHIPS (128 CASES)**

Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	19	15%
Metropolitan Court	2	2%
Magistrate Court	58	47%
Municipal Court	46	34%
Probate Court	3	2%

**CONFIDENTIAL STIPULATIONS (23 CASES)**

In addition to confidential advisory letters or mentorships, the Commission may informally dispose of cases through confidential stipulations. In FY2024, 1 case was disposed of through confidential stipulation. Historically, the Commission has disposed of 23 cases through such stipulations.



# PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2023–JUNE 30, 2024

All of the Commission’s proceedings that resulted in either formal or informal dispositions during FY 2024 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,



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

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 training or participate in a mentorship. Judicial Standards Commission petitions filed with the Supreme Court

after conducting full evidentiary hearings (trials) are public record upon filing, but filings for temporary suspension and other matters are required to be filed under seal in the Supreme Court. Rule 27-104(B) NMRA of the Supreme Court’s rules states: “[t]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 further states in Rule 27-104(B) 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 2015 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 2024, the Commission conducted or initiated formal proceedings concerning 8 cases involving 7 judges 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 2024. The dispositions are listed in part below and may be found in their entirety on the Commission’s website, [www.nmjsc.org](http://www.nmjsc.org).

**In the Matter of Dev Atma S. Khalsa**  
Santa Fe County Magistrate Court  
JSC Inq. No. 2023-018  
Supreme Court Docket No. S-1-SC-39802

Judge Khalsa was placed on indefinite administrative leave per the Supreme Court's power of superintending control on February 27, 2023. The Commission filed a Petition for Immediate Temporary Suspension and a Notice of Formal Proceedings on March 1, 2023. Judge Khalsa filed his response to the Petition for Immediate Temporary Suspension on April 3, 2023 and Notice of Formal Proceedings on March 23, 2023. The Supreme Court granted the Commission's Petition for Immediate Temporary Suspension Without Pay on April 7, 2023. The Notice of Formal Proceedings contained the following charges:

1. On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when, after Santa Fe Police Officers responded to a single car accident, you were arrested and charged with Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs pursuant to City of Santa Fe Ordinance 12-6-12. 1(D).
2. On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when you allegedly drove your motor vehicle, which was involved in a single-car accident, while your license was expired contrary to City of Santa Fe Ordinance 12-6-12.5. You were subsequently arrested and charged with this violation.
3. On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when you allegedly drove your motor vehicle, which was involved in a single-car accident, in a careless, inattentive, or imprudent manner without due regard for the attendant circumstances contrary to City of Santa Fe Ordinance 12-6-12.4.

Judge Khalsa and the Commission entered into a stipulation whereby Judge Khalsa agreed to permanent resignation the terms of which require he never seek judicial office in the State of New Mexico again. The Commission petitioned the Supreme Court to accept the stipulation on May 23, 2023, and the Supreme Court entered an Order granting the stipulation to permanent resignation on July 3, 2023. The matter was unsealed pursuant to the Court's April 7, 2023 order.



**In the Matter of James T. Martin**

Third Judicial District Court

JSC Inq. No. 2021-089

Supreme Court Docket No. S-1-SC-39746

The Commission issued a Notice of Investigation to Judge Martin on December 20, 2021. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Martin's written response to the Notice of Investigation, the Commission invited the judge to participate in an informal confidential conference with the Commission on June 6, 2022. The Conference afforded Judge Martin an opportunity to discuss his response to the Notice of Investigation and gave the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Martin's written and oral responses, the Commission issued a Notice of Formal Proceedings on July 20, 2022. Judge Martin filed his response to the Notice of Formal Proceedings on August 9, 2022. Having responded to the allegations, Judge Martin and the Commission entered into a stipulation agreement and consent to discipline on January 24, 2023. Judge Martin stipulated to the underlying facts, but did not admit to willful misconduct. Judge Martin's stipulation, however, concedes that based on the stipulated facts, the Commission could find willful misconduct as to the following acts:

1. On or about July 26, 2021, during a telephone conversation with Assistant District Attorney Samuel Rosten ("Rosten"), after having listened to the proposed jury instructions in Cause Number D-307-CR-2018- 00203, a case in which your daughter was the alleged victim, you advised Rosten to use the term "brandished a firearm" in his jury instructions rather than asking the jury to find the Defendant "pointed a firearm" at the alleged victim, your daughter.
2. On or about July 26, 2021 you engaged in an ex parte communication with Assistant District Attorney Rosten regarding Cause Number D-307-CR-2018-00203, a criminal case in which your daughter was an alleged victim of an assault and for which Rosten was the prosecuting attorney. After the first day of trial, your daughter emailed Rosten requesting he contact her. Rosten contacted your daughter via telephone that same evening and your daughter handed you the telephone and you initiated and engaged in an ex parte phone conversation with Rosten.
3. On or about July 27, 2021, after the verdict in Cause Number D-307-CR-2018-00203, you engaged in a conversation with Rosten and his co-counsel Assistant District Attorney Spencer Willson (Willson) when a bailiff informed Rosten that you wanted to speak to him. Both Rosten and Willson left the courtroom to speak with you in a room down the hall from the courtroom. Once the attorneys arrived, you started to admonish Rosten for not requesting the Defendant be remanded into custody following the verdict. Had the Defendant not been remanded by the sitting judge, you told Rosten words to the effect that you would have demanded attorney Rosten go

back into the court and tell the sitting judge that he (Rosten) had a change of position and wanted the Defendant remanded.

4. On or about July 26-27, 2021 during the trial in cause number D-307-CR-2018-00203, you allowed your daughter, the alleged victim and witness in the case, to use your chambers while waiting for her opportunity to testify.

The Commission petitioned the Supreme Court to accept the stipulation to discipline in lieu of further proceedings on January 24, 2023 and issue a public censure. The Supreme Court entered an Order granting the stipulated discipline and ordering the matter unsealed on February 20, 2023. The Supreme Court published the public censure on November 13, 2023.

The public censure can be found on the Commission's website, [www.nmjsc.org](http://www.nmjsc.org) under the Supreme Court's decisions and opinions tab.

**In the Matter of John M. Burns**

Tatum Municipal Court

JSC Inq. No. 2021-075

Supreme Court Docket No. S-1-SC-39605

The Commission issued a Notice of Investigation to Judge Burns on December 20, 2021. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Burns' written response to the Notice of Investigation, the Commission invited Judge Burns to participate in an informal confidential conference with the Commission on June 6, 2022. The Conference afforded Judge Burns an opportunity to discuss his response to the Notice of Investigation and provided the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Burns' written and oral responses, the Commission issued a Notice of Formal Proceedings on July 20, 2022. Judge Burns filed a response to the Notice of Formal Proceedings on August 4, 2022. On October 12, 2022, Judge Burns and the Commission entered into a stipulation agreement and consent to discipline in which the judge agreed to participation in a formal mentorship for a period of six (6) months contemporaneous to a six (6) month period of supervised probation, and admitted to willful misconduct as follows:

A. Initiating a prohibited ex parte conversation in Case No. 36976 on or about August 26, 2021 with Defendant Rolando Ordonez and attempted to coerce Defendant Ordonez to plead guilty and avoid a trial.

B. Abusing his judicial authority and position and by failing to act as an impartial jurist when Judge Burns attempted to dissuade Defendant Ordonez from exercising his constitutional right to counsel telling him words to the effect that a lawyer could be expensive, and he would likely lose his case anyway because there was video, audio and radar gun evidence in his underlying case.

C. Conducting a telephonic hearing in Case No 36976 on or about late September or early October with Defendant Rolando Ordonez, and inappropriately questioning Defendant Ordonez about his connection with, or who he knows, at the Judicial Standards Commission after your Court received a phone call from the Judicial Standards Commission requesting a court file.

D. Failing to recuse from Case No. 36976 after having engaged in an ex parte conversation with Defendant Rolando Ordonez, having attempted to coerce Defendant Ordonez into pleading guilty to avoid a trial and after questioning Defendant Ordonez about his connection with the Judicial Standards Commission.

E. Accepting and filing a conditional dismissal from the prosecuting officer who agreed to dismiss Defendant Ordonez' speeding ticket if Defendant Ordonez paid \$151.00 (the fine for the speeding ticket) to the Tatum Police Department or to the Tatum Municipal Court in support of a Christmas fundraiser, "Children's Fund for Toys."

The Commission petitioned the Supreme Court to accept the stipulation and consent to discipline in lieu of further proceedings on October 12, 2022. The Supreme Court accepted the stipulation on October 31, 2022, and ordered the appointment of a mentor on December 30, 2022 following the Commission's recommendation on December 6, 2022. The matter was unsealed pursuant to the Supreme Court's October 31, 2022 Order.

Judge Burns successfully completed the mentorship and supervised probation and the Commission filed their Report on Judge Burns' completion requesting that the matter be closed on July 24, 2023. The Supreme Court closed the matter upon the filing of the Commission's Report.

**In the Matter of Samantha Madrid**

Doña Ana County Magistrate Court

JSC Inq. No. 2022-075

Supreme Court Docket No. S-1-SC-39527

Judge Madrid was placed on administrative leave by the Presiding Magistrate Judge in Doña Ana County on August 8, 2022. The Supreme Court, pursuant to their power of superintending control, placed Judge Madrid on indefinite administrative leave with pay pending an investigation by the Commission. The Commission filed a Petition for Immediate Temporary Suspension Without Pay and a Notice of Formal Proceedings on August 22, 2022. Judge Madrid filed her response to the Notice of Formal Proceedings September 28, 2022 and filed a response to the Commission's Petition on November 22, 2022. The Notice of Formal Proceedings contained the following charges:

1. On or about August 6, 2022, at the Memorial Medical Center in Las Cruces in front of members of the public, hospital staff, inmates being treated at the hospital, patients being treated at the hospital, police officers, Department of Correction personnel and Emergency Medical Technicians, you became irate and verbally abusive to the attending physician and hospital staff that were attempting to evaluate you when you repeatedly raised your voice and threatened to sue the attending physician and hospital staff. When speaking to hospital staff and the attending physician you used threatening and/or abusive words to the effect of:
  - A. I want my lawyer and you better f##### call him.
  - B. When video comes, you're going down you son of a b#####
  - C. Where's my lawyer son of a b#####.
  - D. Where's my lawyer m##### f#####.
  - E. Where's my lawyer you f##### son of a b##### I am going to sue you.
  - F. I think what you need is to be raped.
  - G. You lying w#####.
  - H. I have never kicked you, you stupid ugly b#####.
  - I. I am going to destroy you.
  - J. I am suing the f### out of you guys unless you give me a phone.
2. On or about August 6, 2022, at your home and at the Memorial Medical Center in Las Cruces in front of members of the public, hospital staff, inmates being treated at the hospital, patients being treated at the hospital, police officers, Department of Correction personnel and Emergency Medical Technicians. While cursing, yelling and threatening hospital staff and police officers you repeatedly and inappropriately invoked your judicial position by saying words to the effect:
  - A. I am a Judge and I know my rights.
  - B. I'm a judge, I have a right to talk to someone.
  - C. I'm a lawyer and a judge.
  - D. I'm a judge, I'm a lawyer.
3. On or about August 6, 2022, at the Memorial Medical Center in Las Cruces while being treated by hospital staff you committed a battery upon a healthcare worker as defined by Section 30-3-9.2(E), NMSA, when you kicked a hospital nurse in the breast while she was assisting you onto a gurney. After you battered the nurse and after being confronted by the nurse you called the nurse a "lying w#####" and a "stupid ugly b#####."

4. On or about August 6, 2022, you drove your vehicle while appearing to be intoxicated as witnessed by Las Cruces Police Department Officer Carlos Carrillo and Officer Nathaniel Telles who were called to your home for a welfare check. Although you were not home when officers arrived, you drove your vehicle to your home before the officers left. The officers observed that you smelled of alcohol, had slurred speech bloodshot watery eyes and had trouble standing up straight.

5. On or about August 6, 2022, during a welfare check being performed by the Las Cruces Police Department over concerns regarding your health and safety and while you were in protective custody, you threatened and/or verbally abused Las Cruces Police Department Officer Carlos Carrillo, and Officer Nathaniel Telles, when you stated words to the effect:

- A. I am a lawyer; I will f##### beat you up.
- B. I am a lawyer, you will not take me [to the hospital] I will sue you, repeated, multiple times.
- C. I am going to pay somebody to sue you.
- D. You're going to pay ... It's a spiritual threat, no it's a spiritual threat, it's a spiritual threat.
- E. I am going to sue the f### out of you, I'm going to sue the f### out of you Carrillo.

6. On or about August 6, 2022, you failed to cooperate and/or exhibited disorderly conduct with the police officers who arrived at your residence to perform a welfare check when you:

- A. Refused to exit your vehicle, after Officers Telles and Carrillo requested you to do so;
- B. Drove away from Officer Carrillo while he was performing a welfare check;
- C. When you screamed and threatened to sue Officers Telles and Carrillo for putting you in protective custody; and
- D. When you became physically disorderly at the Memorial Medical Center requiring Officer Carrillo and hospital staff to forcefully sit you down.

7. You failed to perform your on-call judicial responsibilities the week of December 12, 2021 through December 17, 2021 which caused Third Judicial District Court Chief Judge Manuel Arrieta to remove you from your on-call duties. During that week you repeatedly failed to answer the on-call phone and, when you did answer the phone, you presented as disoriented.

8. On or about July 22, 2021, you failed to perform your on-call duties and appeared to be under the influence of alcohol and/or drugs when you were contacted by Las Cruces Sheriff's Deputy Michael Mosley for telephonic approval of an arrest warrant. You swore Deputy Mosley in and requested that he email the warrant to you. After waiting approximately forty (40) minutes for warrant approval, Deputy Mosley called you again, you denied that you ever spoke to Deputy Mosley, you swore him in again and he again emailed the warrant to you. Deputy Mosley noted that you slurred your words while speaking to him. You were called a third time, failed to answer your phone, and subsequently sent two emails to Deputy Mosley in which you stated that

you were not the on-call judge and told him to contact other judges for warrant approval.

9. On or about July 22, 2022, in a group text message chat you sent incoherent, peculiar and/or threatening messages to fellow magistrate judges. The content of the messages included but was not limited to: (1) having your aunt pay for a lawyer to sue various judges within the district, (2) the legality of being an on-call judge, and (3) your counselor being super rich and without debt.

The Supreme Court granted the Commission's Petition in part and denied the Petition in part in an Order issued January 6, 2023, in which Judge Madrid was temporarily suspended with pay. On January 24, 2023, Judge Madrid and the Commission entered into a stipulation whereby Judge Madrid agreed to permanent resignation and to never again seek judicial office in the State of New Mexico. The Commission petitioned the Supreme Court to accept the stipulation on January 24, 2023. Judge Madrid filed a Motion to Seal File, requesting that the Supreme Court keep the matter sealed, on January 24, 2023. The Supreme Court granted the stipulation to permanent resignation filed February 17, 2023 and ordered that the matter remain sealed pending a ruling from the Court on Respondent's motion to seal. On April 11, 2024, the Court denied Respondent's motion to seal the file and ordered that the matter be unsealed.

**In the Matter of Lance Lacey**

Springer Municipal Court

JSC Inq. No. 2021-002

Supreme Court Docket No. S-1-SC-39204

The Commission issued a Notice of Investigation to Judge Lacey on April 23, 2021. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Lacey's written response to the Notice of Investigation, the Commission invited Judge Lacey to participate in an informal confidential conference with the Commission on August 2, 2021. The Conference afforded Judge Lacey an opportunity to discuss his response to the Notice of Investigation and provided the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Lacey's written and oral responses, the Commission issued a Notice of Formal Proceedings on August 10, 2021. Judge Lacey filed a response to the Notice of Formal Proceedings on August 25, 2021. On February 1, 2022, Judge Lacey and the Commission entered into a stipulation agreement and consent to discipline in which the judge agreed to unsupervised probation for the duration of his term (through December 31, 2023), and a formal mentorship to be in effect until the mentor advised that the goals of the mentorship had been achieved, and admitted to willful misconduct as outlined in the Notice of Formal Proceedings:

1. You acted without jurisdiction to do so, interfered with, and impeded an investigation in a case pending before the Springer Municipal Court when you advised Springer Police Department Officer Jonathan Hernandez not to comply with an administrative subpoena issued by the New Mexico Taxation and Revenue Department, Motor Vehicles Division, which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/ or the Springer Police Department (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082*).
2. You failed to act as an impartial jurist and demonstrated bias and/ or favoritism to the Springer Police Department when you advised Springer Police Officer Jonathan Hernandez not to comply with a New Mexico Taxation and Revenue Department, Motor Vehicles Division administrative subpoena which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/ or the Springer Police Department.
3. You engaged in a prohibited ex parte communication with Springer Police Officer Jonathan Hernandez regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082* and Citation No. 10123636).
4. On or about September 17, 2020, you initiated and engaged in a prohibited ex parte communication with Ben A. Ortega, attorney for defendant George Q. Adams, regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. You informed Mr. Ortega with words to the effect that you would not authorize release of discovery until Adams paid the citation and would not allow the officer to release it. Additionally, you questioned Mr. Ortega on what he was doing in the case and cautioned him not to attempt to circumvent you



in the matter. (See George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082 and Citation No. 10123636).

5. On or about September 17, 2020, you initiated and engaged in a prohibited ex parte communication with New Mexico Taxation and Revenue Department, Motor Vehicles Division Attorney Regina Ryanczak regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. You informed Ms. Ryanczak with words to the effect that you would not authorize release of discovery until Adams paid the citation and would not allow the officer to release it. (See George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020- 00082 and Citation No. 10123636).
6. On or about January 11, 2021, you attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in a prohibited ex parte communication regarding a matter that was pending before Judge Kennelly and pending before the Springer Municipal Court. (See George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082 and Citation No.10123636).
7. On January 20, 2021, you attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in an ex parte communication regarding a matter that was pending before Judge Kennelly and pending before the Springer Municipal Court (See George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082 and Citation No. 10123636).
8. You failed to comply with Eighth Judicial District Court Judge Melissa Kennelly's March 2, 2021 order in which the Springer Municipal Court was ordered to close Citation No. 10123636, not to docket the citation for any hearing or issue any warrants or take any action in the case including any demand for payment. (See George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082).

The Commission petitioned the Supreme Court to accept the stipulation and consent to discipline in lieu of further proceedings on February 2, 2022. The Supreme Court accepted the stipulation on April 14, 2022, and ordered the appointment of a mentor on June 27, 2022 following the Commission's recommendation on June 15, 2022. The matter was unsealed pursuant to the Supreme Court's April 14, 2022 Order.

Judge Lacey successfully completed the mentorship and the Supreme Court issued an Order releasing Judge Lacey from the formal mentorship on November 16, 2022. The Commission filed their Report on Judge Lacey's completion of unsupervised probation, requesting that the matter be closed, on February 22, 2024. The Supreme Court closed the matter upon the filing of the Commission's Report.

**In the Matter of Joy E. Goldbaum**  
Las Cruces Municipal Court  
JSC Inq. No. 2023-013 and 2023-038  
Supreme Court Docket No. S-1-SC-40155

The Commission issued a Notice of Investigation to Judge Goldbaum on April 13, 2023. Pursuant to Commission Rule 19 and following the Commission's receipt and review of Judge Goldbaum's written response to the Notice of Investigation, the Commission invited the judge to participate in an informal confidential conference with the Commission on August 7, 2023. The conference afforded Judge Goldbaum the opportunity to discuss her response to the Notice of Investigation and gave the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Goldbaum's written and oral responses, the Commission issued a Notice of Formal Proceedings on August 21, 2023. Judge Goldbaum provided her written response to the Notice of Formal Proceedings on September 8, 2023. Having responded to the allegations, Judge Goldbaum voluntarily agreed to a stipulation with the Commission whereby Judge Goldbaum would retire permanently in lieu of further disciplinary proceedings. Judge Goldbaum stipulated to the underlying factual allegations, and that based on those facts willful misconduct could be found, as follows:

1. On or about April 27, 2022, you submitted a written request to the human resources department for the City of Las Cruces for a retroactive salary increase for fiscal year 2022 knowing or should have known that this request was contrary to Part I, Article IV, §9.03(b) of the Las Cruces Municipal Charter. Your request resulted in a salary adjustment totaling approximately four-thousand two-hundred thirteen dollars (\$4,213.00).
2. On or about July 13, 2022, you submitted a written request to the human resources department for the City of Las Cruces for an additional salary increase for fiscal year 2023 knowing or should have known that this request was contrary to Part I, Article IV, §9.03(b) of the Las Cruces Municipal Charter for an additional twenty-two thousand two-hundred eighteen dollars and five cents (\$22,218.05).

The Commission petitioned the Supreme Court to accept the stipulation to permanent retirement in lieu of further proceedings on October 27, 2023. The Supreme Court entered an Order granting the stipulated discipline and ordering the matter unsealed on January 10, 2024.

**In the Matter of Deseri Sichler**

Valencia County Magistrate Court

JSC Inq. No. 2022-111

Supreme Court Docket No. S-1-SC-40160

The Commission issued a Notice of Investigation to Judge Sichler on February 13, 2023. Pursuant to Commission Rule 19 and following the Commission's receipt and review of Judge Sichler's written response to the *Notice of Investigation*, the Commission invited the judge to participate in an informal confidential conference with the Commission on August 7, 2023. The conference afforded Judge Sichler the opportunity to discuss and explain her response to the *Notice of Investigation* in person and provided the Commission an opportunity to ask Judge Sichler questions about the pending allegations and her response to the *Notice of Investigation*.

After full consideration of Judge Sichler's written and oral responses, the Commission issued a *Notice of Formal Proceedings* on August 25, 2023. Judge Sichler admitted that she engaged in willful misconduct by committing the following acts:

1. During your 2022 campaign for Valencia County Magistrate Court Judge, you acted as campaign treasurer and personally solicited and accepted funds on behalf of your campaign contrary to NMSA Section 1-19-34(A).
2. On or about March 7, 2022, you falsely listed Russel D. Schmidt as your campaign treasurer on the Secretary of State's Campaign Finance portal/campaign finance Information System (CFIS) in your bid for Valencia County Magistrate Court judge without Russel D. Schmidt's consent contrary to NMSA Section 1-19-29(I).
3. On or about March 7, 2022, you created the *Committee to Elect Deseri Sichler* and listed yourself as the sole contact person for the Committee. All contact information for the Committee, advertisements and your website contained your personal contact information including email, phone number, and mailing address.

The parties entered into a Stipulation Agreement and Consent to Discipline on October 31, 2023 whereby Judge Sichler consented to receive a Public Censure from the Supreme Court. A public censure was issued by the Supreme Court on May 13, 2024. The public censure can be found on the Commission's website, [www.nmjsc.org](http://www.nmjsc.org).

## INFORMAL DISPOSITIONS

### *ADVISORY LETTERS:*

A judge allegedly hosted and attended a fundraising event for a political candidate. The judge was advised to refrain from attending political functions in which a judge may be perceived as abusing the prestige of their office and to review and abide by Rule 21-401 and also advised to avoid hosting fundraising events which may be perceived as “in-kind contributions,” and to specifically review Rule 21-102 (including Committee commentary [2], [3], and [7] of the Code of Judicial Conduct.

A judge allegedly provided a character reference for a defendant using official court letterhead. The judge was advised to review and abide by the Code of Judicial Conduct particularly Rules 21-103 and 21-303, to avoid abusing the prestige of judicial office, and to take appropriate care in supervision of court staff’s work on the judge’s behalf.

A judge allegedly questioned an attorney regarding the attorney’s use of peremptory excusals contrary to Rules 5-106(G) and 1-088.1(F). The judge was advised to review the aforementioned procedural rules, and to review and abide by the Code of Judicial Conduct, specifically Rule 21-102 and Committee commentary [5] thereto.

## PUBLISHED DISCIPLINARY OPINIONS 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 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/unspent funds revert to the State's general fund.

For FY 2024, the State Legislature appropriated \$1,093,500.00 to the Commission from the general fund for salary and benefits, operations, investigation, and prosecution of judicial misconduct. The FY 2024 Commission expenditures totaled \$1,050,002.87 from the General Fund. A summary (by category) of the expenditures is provided below.

### FY 2024 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$621,167.31	57.0%
Annual Leave Paid at Separation	\$11,346.17	1.00%
Employee Benefits & Taxes	\$222,032.95	21.00%
Employee/Board Training & Licensing	\$15,753.72	2.0%
Commission Travel	\$8,485.82	1.0%
Investigation & Prosecution Expenses	\$149.60	1.0%
Contractual Services	\$41,191.11	4.0%
Rent, Telecom, IT & Overhead	\$130,971.33	11.0%
Equipment, Supplies & Postage	\$5,651.93	1.0%
Subscriptions and Licensing	\$4,827.09	1.00%
<b>TOTAL</b>	<b>\$1,050,002.87</b>	<b>100.0%</b>

### 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 \$15,286.01 . He has failed to make any payments to the Commission, and his debt to the State of New Mexico remains outstanding.

The Commission by law cannot write off debt, even if it is determined not to be collectable.

**FY 2024 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES**

FY 2024 Final Approved Budget	\$1,093,500.00	
Total FY 2024 General Fund Expenditures		\$ (1,050,002.87)
FY 2024 General Fund Appropriations Reverted		\$ (43,497.23)
Total Expenditures and Reversion		\$ (1,093,500.00)

**AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE**

FISCAL YEAR	FINAL APPROVED BUDGET	Expenditures	Reversion from General Fund	Reversion from Cost Reimbursements	General Fund Reversion as % of Funding
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%
2022	895,600.00	877,740.30	17,859.70	0.00	1.99%
2023	979,400.00	965,982.00	13,417.50	0.00	1.37%
2024	1,093,500.00	1,050,002.87	43,497.23	0.00	3.8%