



State Of New Mexico Judicial Standards Commission FY25 Annual Report





**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

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PHYLLIS A. DOMINGUEZ
Executive Director &
General Counsel

MARCUS BLAIS
Investigative Trial Counsel

REBECCA RALPH
Investigative Trial Counsel

November 1, 2025

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 2025 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 58 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.

The JSC rules allow for a judge to voluntarily meet with commissioners to discuss and explain a judge's response to allegations issued in a notice of investigation. This informal and confidential conference also gives commissioners the opportunity to ask questions and further discuss the allegations to explore options for an appropriate disposition. In FY25, the JSC met with four judges in four cases.

In FY25, the JSC received 350 complaints and of those 350 complaints, 319 complaints were resolved in FY25. The Commission found grounds to recommend/negotiate for the removal, retirement or resignation from judicial office of two (2) judges in four (4) cases. Additionally, three (3) cases were disposed of because the judges retired during an active investigation. Two (2) judges were issued public censures, and one (1) judge entered into formal mentorship. Along with these formal dispositions one (1) judge in one (1) case received an advisory letter, and four (4) judges in

4) cases received an informal mentorship. In FY 2025 the case dismissals were as follows: 58 cases dismissed as appellate, 26 cases dismissed because they concerned individuals beyond the Commission's jurisdiction, 2 cases were abated and 202 cases dismissed as unsubstantiated, and 16 complaints were dismissed after investigation.

Five (5) judges in fifteen (15) cases were temporarily suspended pending resolution of their inquiries.

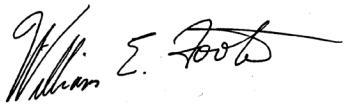
The Commission consists of thirteen (13) members, each with individual terms. Each year the Commission experiences changes in its membership due to staggered terms. In FY25 the Governor appointed Jasper Hardesty to serve a term commencing on November 22, 2024, to June 30, 2029.

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. Since 2018, Phyllis Domiguez, the Commission's Executive Director, has served on the Board of Directors of the Association of Judicial Disciplinary Counsel, the national professional association for staff of judicial disciplinary agencies throughout the United States and was elected President in 2025. Ms. Dominguez was also appointed to the Advisory Board of the National Center for State Courts' Center for Judicial Ethics, and conducts trainings on judicial ethics at the state and national level.

Additionally, Krista Ganes-Chavez, our Chief Financial Officer, has been a member of AGA for 16 years and for 11 of those years has served as a Board member of the Albuquerque Chapter and is currently serving as membership chair. In FY25 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 level 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, appearing to read "William E. Foote". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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



F Y 2025

ANNUAL REPORT

CURRENT COMMISSIONERS

William E. Foote, Ph.D.
Chair

Roberta Jean Kamm
Vice-Chair

Hon. Bradford Dalley

Kevin R. Dixon, Ph.D.

Jasper Hardesty

Hon. Cheryl H. Johnston

Nancy R. Long, Esq.

Kristin D. Muniz

Hon. David Overstreet

Robert Radosevich

Howard Thomas, Esq.

Twilla C. Thomason

Hon. Mickie L. Vega

OFFICE

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TELEPHONE

(505) 222-9353

WEBSITE

www.nmjsc.org

CURRENT STAFF

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

Marcus Blais, Esq.
Investigative Trial Counsel

Rebecca Ralph, Esq.
Investigative Trial Counsel

Krista M. Ganes-Chavez
Chief Financial Officer

Lisa Juarez
Paralegal

Vanessa Garcia
Administrative Assistant

Brieanna Stubbs
Case Management Specialist

Photograph courtesy of Krista Ganes-Chavez

Judicial Standards Commission



FORWARD

The constitutionally created Judicial Standards Commission has a critical role in our system of justice. The Commission actively, thoroughly, and properly fulfills its role as an oversight agency, protecting the public from the improper conduct of New Mexico judges. 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.

FY25 proved to be a busy and productive time for the Judicial Standards Commission. The fiscal year began with a change to the Commission's process to allow complaints to be filed online via the Commission's website. Prior to this change, complaints had to be notarized, mailed or hand-delivered to the Commission. Accepting complaints online allows ease of access to file complaints and eliminates the cost of notarization. This change has doubled the number of complaints received by the Commission.

The number of complaints received by the Commission is not indicative of an increase in judicial misconduct. It is reflective of the ability for persons to file online complaints at any time of the day or night. 80% of all complaints filed with the Commission are dismissed after investigation. Complaints are dismissed against judges when allegations are unsubstantiated (there is no credible evidence to corroborate the allegations), when the Commission lacks jurisdiction to proceed, or when allegations are strictly appellate in nature.

In FY25, the Commission held three hearings on the merits (trials) over a total of 11 days.

Thanks to the Commission's staff, whose dedication and hard work is beyond reproach. Special thanks to our Commissioners who volunteer their time away from their courts, jobs and families to ensure the Commission upholds its constitutionally mandated responsibilities.

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 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.

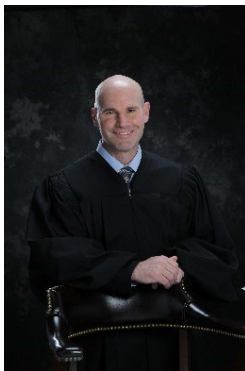
STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2025

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	07/01/19-06/30/27
5	Jasper Hardesty (D)	Governor	11/22/24-06/30/29
6	Nancy R. Long, Esq.	State Bar	07/01/22-06/30/26
7	Howard Thomas, Esq.	State Bar	07/01/24-06/30/28
8	Hon. Cheryl H. Johnston	Supreme Court	07/01/23-06/30/27
9	Hon. Bradford Dalley	Supreme Court	07/01/25-06/30/29
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	07/01/25-06/30/29

Commission Members

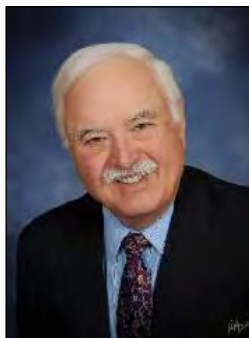
COMMISSION MEMBERS AS OF JUNE 30, 2025



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.



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.



JASPER O. HARDESTY was appointed to the Commission by the Governor in November 2024. Dr. Hardesty is a retired architect/urban planner and research chemical engineer with degrees from the University of Illinois, University of New Mexico, and Stanford University. He has worked in the private sector and at Sandia National Laboratories. In retirement, Jasper spends much of his time volunteering in the community and enjoys art, hiking, biking, traveling, gardening, and singing with his friends.



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, Judge 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.



HOWARD THOMAS, ESQ. Howard R. Thomas is an attorney who lives in Albuquerque. He has been licensed to practice law in New Mexico since 1980. He is also admitted to practice law in Colorado, the District of Columbia, and Texas. In addition to his work in private practice, he served as an Assistant United States Attorney for over 21 years. During his career, Mr. Thomas has represented plaintiffs and defendants-individuals, businesses, and the United States of America- in multiple types of civil litigation. He also prosecuted numerous federal criminal cases during his time with the Department of Justice. By appointment of the New Mexico State Bar Board of Bar Commissioners, Mr. Thomas serves as a member of the Judicial Standards Commission. In prior years, he served by gubernatorial appointments on the New Mexico Community Development Council and the State Personnel Board. He was also vice-chair and chair of the Personnel Board. The New Mexico Supreme Court successively appointed Mr. Thomas to serve on the Board of Bar Examiners and the Disciplinary Board, for a total of 21 years. He was a member, vice-chair, and chair of each of these Boards. He also served for years as an Assistant Bar Counsel and a hearing officer for the Disciplinary Board. Mr. Thomas is currently the State Bar Chair of the New Mexico Medical Review Commission and continues as he has for many years to serve as a hearing panelist.



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 Bachelor's 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 12th 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 12th Judicial District for first time felony drug offenders.

CHAIRS OF THE COMMISSION

EXECUTIVE DIRECTORS

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

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

JOYCE BUSTOS, February 2012–August 2022

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

LARRY TACKMAN, April 2011–February 2012

DAVID S. SMOAK, August 2004–March 2011

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

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

DOUGLAS W. TURNER, July 2001–March 2003

BARBARA A. GANDY, August 1999–June 2001

DOUGLAS W. TURNER, April 1997–August 1999

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

ELEANOR SELIGMAN, February 1996–April 1997

DONALD PERKINS, August 1994–February 1996

FRED HARRIS, July 1992–August 1994

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

PEGGY C. TRAVER, September 1991–June 1992

HUBERT QUINTANA, July 1989–September 1991

HARRY THOMAS, June 1985–July 1989

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

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

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.

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 the 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 going to the Commissions website, 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 which are appellate in nature. Commission staff investigates and gathers documents to be presented to the Commission, which may dismiss unsubstantiated and/or appellate 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 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.

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. 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 a judge with initial disclosures when the invitation is sent. At the conference, a judge may present the judge's 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. At least seven (7) of the thirteen (13) members of the Commission must vote that good cause may exist to recommend discipline to the NM Supreme Court to begin formal proceedings. A Notice of Formal Proceedings will be issued and served upon the judge. The Commission votes to issue a Notice of Investigation but does not draft or review the charges contained therein. Investigative Trial Counsel drafts the Notice of Formal Proceedings which contains 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. The Commission does not draft or review the Notice of Formal Proceedings or a judge's response to the Notice of Formal Proceedings and is only be made aware of the contents of each when presented at a hearing on the merits.

Upon filing and issuance of the Notice of Formal Proceedings, the matter is set for a hearing on the merits. After the Commission votes to issue a Notice of Formal Proceedings, the Commission receives no information about the case and will only be informed of pending hearing dates. The Commission may hear the case itself or may appoint three justices or judges of courts of record as special masters to hear the matter, take evidence, and report their findings to the Commission. The Commission 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 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 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 allegations against a judge, those allegations 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 of a judge to the New Mexico Supreme Court.

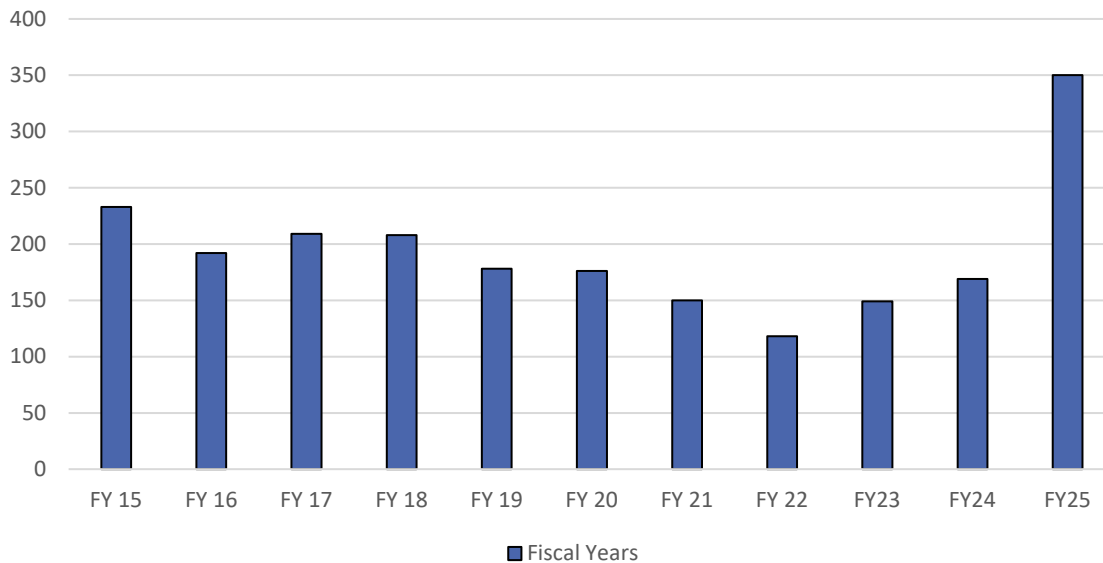
Dispositions. The Commission may dispose of a case by dismissing it, confidentially informing a judge that the conduct may violate the standards of judicial conduct, and/or proposing mentorship, professional counseling, assistance, or other remedial measures.

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, 2024–June 30, 2025

10 YEAR HISTORY OF WRITTEN COMPLAINTS



The Commission’s staff assists the public with telephonic and in-person communications. Staff informs callers regarding the Commission’s processes, procedures and rules, and about the limited scope of the Commission’s jurisdiction under state law.

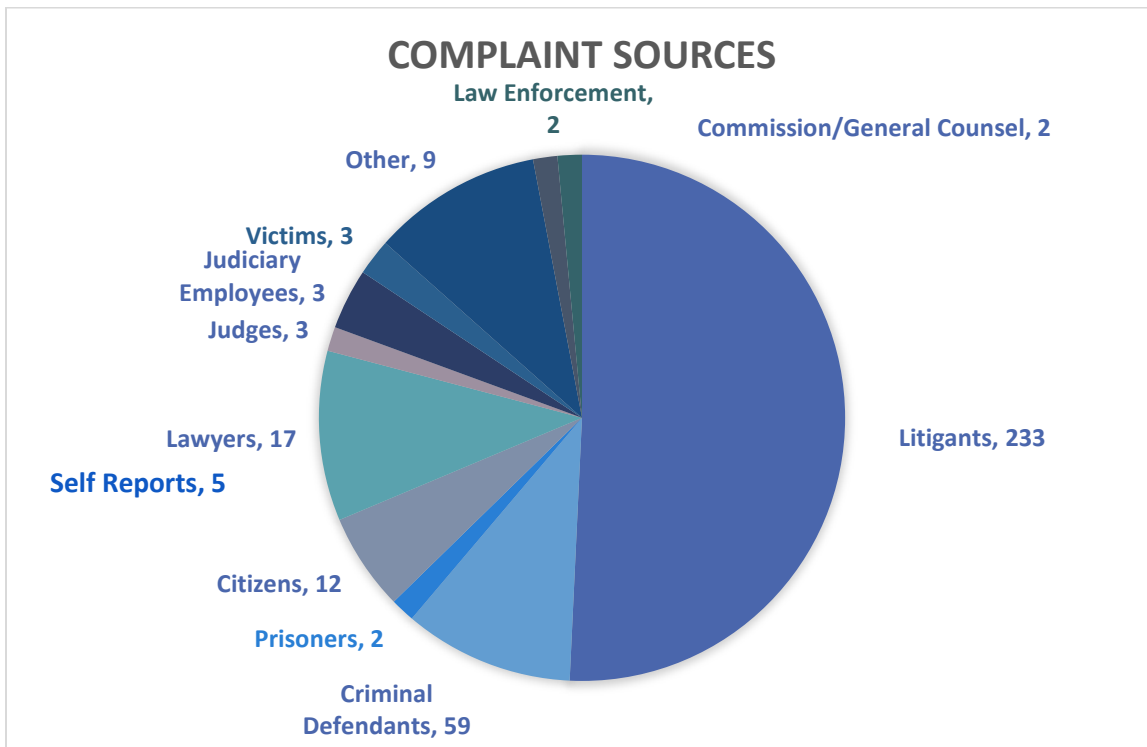
In FY24 the Commission initiated a rule change which removed the requirement that complaints had to be verified (notarized by a notary public) before filing. Pursuant to this rule change, complaints may now be submitted online via the Commission’s website. If requested, complaint forms will be mailed to those callers who request them. Complaints may be downloaded from the Commission’s website as well and are available in English and Spanish. In FY25 this change brought a significant increase in the number of complaints filed.

The Commission received 350 written complaints in FY25 and 154 in FY24.

SOURCES OF COMPLAINTS

The distribution of the sources for the 350 complaints filed with the Commission are as follows: 233 by litigants or their family/friends, 59 by criminal defendants or their family/friends, 12 by citizens, 17 by lawyers, , 3 by judiciary employees, 3 by judges, 2 by law enforcement, 2 by incarcerated individuals, 3 by victims, 2 by the General Counsel, 5 self-reports and 9 by others or unspecified. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



SUBJECT JUDGES OF COMPLAINTS

JUDICIAL BRANCH	COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	2	0.5
Court of Appeals	5	1.4
District Court	218	62.3
Metropolitan Court	33	9.4
Magistrate Court	67	19.4
Municipal Court	15	
Probate Court	2	
Not a Judge	8	

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY 2025 (July 1, 2024)	43
New Written/ Complaints and Inquiries in FY 2025	350
Inquiries Concluded in FY 2025	(319)
Inquiries Pending at End of FY 2025 (June 30, 2025)	74

Of the 319 complaints resolved at the end of FY25, the Commission found grounds to recommend/negotiate for the removal, retirement or resignation from judicial office of two (2) judges in four (4) cases. Additionally, three (3) cases were disposed of because the judges retired during an active investigation. Two (2) judges were issued public censures, and one (1) judge entered into formal mentorship. Along with these formal dispositions one (1) judge in one (1) case received an advisory letter, four (4) judges in four (4) cases received informal mentorships. In FY 2025 the case dismissals were as follows: 58 cases dismissed as appellate, 26 cases dismissed because they concerned individuals beyond the Commission's jurisdiction, 2 cases were abated, 202 cases dismissed as unsubstantiated, and 16 complaints were dismissed after investigation.

In FY25 five (5) judges in fifteen (15) cases were temporarily suspended pending resolution of their inquiries and three hearings on the merits (trials) were held before the Commission.

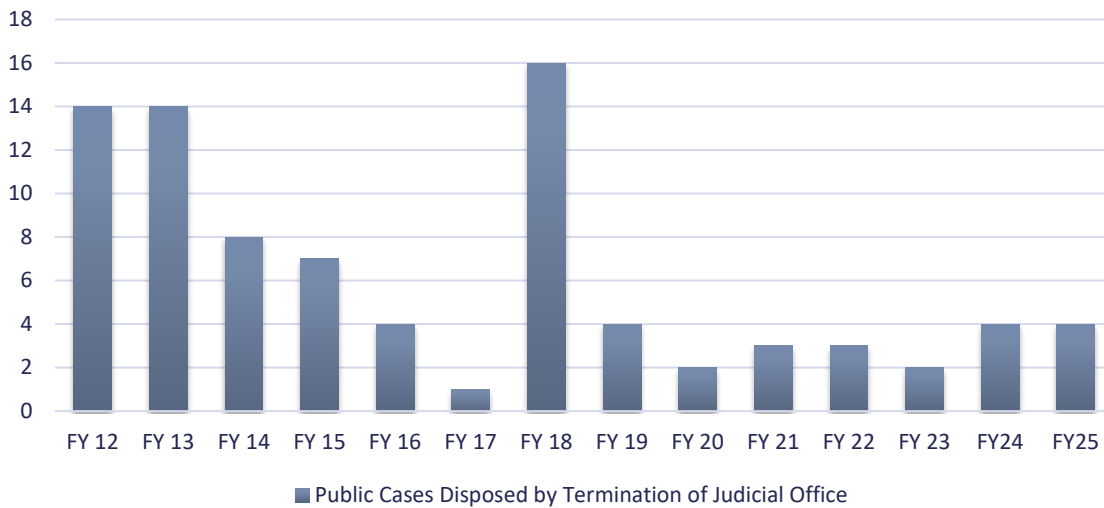
HISTORICAL CASES FILED IN THE SUPREME COURT

Since July 1, 1968, the Commission filed 203 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 121 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: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and New Mexico Supreme Court.

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

In FY 2025, 4 cases were disposed 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 251 cases concerning 123 judges 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 is a history of cases disposed by resignation, removal or retirement since 2012.

Public Cases Disposed by Resignation, Removal or Retirement From Judicial Office



HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case not warranting dismissal, the Commission may dispose of the 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 advisory letters, referring the judge for 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 474 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 (345 CASES)

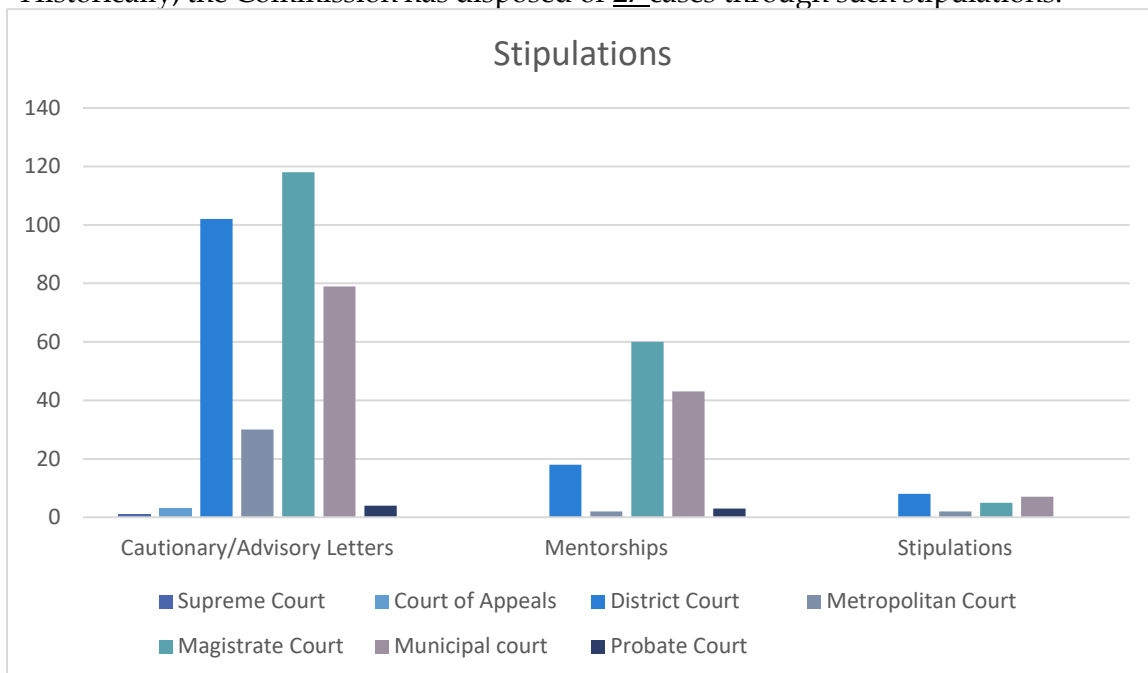
Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	1	0.3%
Court of Appeals	2	0.6%
District Court	108	31.3%
Metropolitan Court	30	8.7%
Magistrate Court	120	34.7%
Municipal Court	79	23%
Probate Court	5	1.4%

INFORMAL MENTORSHIPS (129 CASES)

Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	21	16.3%
Metropolitan Court	3	2.3%
Magistrate Court	58	45%
Municipal Court	44	34.1%
Probate Court	3	2.3%

CONFIDENTIAL STIPULATIONS (26 CASES)

In addition to confidential 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 2025, 4 cases were disposed of through confidential stipulation. Historically, the Commission has disposed of 27 cases through such stipulations.



PROCEEDINGS BEFORE THE COMMISSION JULY 1, 2024-JUNE 30, 2025

COMMISSION PROCEEDINGS

All the Commission's proceedings that resulted in either formal or informal dispositions during FY 2025 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



*The referenced rules
are available on our
website*
www.nmjsc.org

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 training or the Commission's mentorship program. The Judicial Standards

Commission's 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]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.

INFORMAL MENTORSHIPS

A judge allegedly issued a mistrial order in a case over which the judge had knowingly lost jurisdiction. The judge was advised to review and abide by the Code of Judicial Conduct, particularly Rules 21-101, 21-102, and 21-205. The judge successfully completed an informal mentorship.

A judge allegedly spoke with a journalist about a pending matter on which the judge had made a ruling. The judge was advised to review and abide by the Code of Judicial Conduct, particularly Rules 21-101, 21-102, 21-204, and 21-210. The judge successfully completed an informal mentorship.

A judge allegedly made inappropriate statements in several hearings. The judge was advised to review and abide by the Code of Judicial Conduct, particularly Rules 21-101, 21-102, 21-203, and 21-205. The judge successfully completed an informal mentorship.

ADVISORY LETTER

A judge allegedly had communications with attorneys from a district attorney's office regarding cases pending before the judge and did so without the presence of opposing counsel. The judge was advised to review and abide by the Code of Judicial Conduct, specifically Rule 21-206 which requires that all parties receive notice and opportunity to be heard and Rule 21-209 which prohibits *ex parte* communications concerning pending or impending matters.

FORMAL PROCEEDINGS

In FY25, the Commission conducted, initiated or concluded formal proceedings concerning 23 cases involving 9 judges either before the Commission or the New Mexico Supreme Court. Following 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 FY25.

FORMAL DISPOSITION:

In the Matter of Virginia A. Yazzie
McKinley County Magistrate Court
JSC Inq. No. 2023-041
Supreme Court Docket No. S-1-SC-40326

The Commission issued a Notice of Investigation to Judge Yazzie on June 12, 2023. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Yazzie's written response to the Notice of Investigation, the Commission invited Judge Yazzie to participate in an informal confidential conference with the Commission on October 2, 2023. The Conference afforded Judge Yazzie an opportunity to discuss her response to the Notice of Investigation and provided the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Yazzie's written and oral responses, the Commission issued a Notice of Formal Proceedings on October 5, 2023. Judge Yazzie filed a response to the Notice of Formal Proceedings on October 17, 2023. On March 12, 2024, Judge Yazzie and the Commission entered into a stipulation agreement and consent to discipline in which the judge agreed to: 1) participate in a formal mentorship contemporaneous to a one (1) year period of unsupervised probation; and 2) attend at her own expense, and successfully complete, the National Judicial College web-based course, "Ethics and Judging: Reaching Higher Ground," from June 10, 2024, to July 25, 2024. Additionally, Judge Yazzie admitted to willful misconduct as follows:

1. Abusing her judicial authority and position when, on or about April 22, 2023, in Cause No. M-35-IR-2023-00033, *State of New Mexico v. Randy Begay*, Judge Yazzie initiated an ex parte communication with McKinley County Magistrate Judge Brent Detsoi in an attempt to secure the release of her former domestic partner, Randy Begay, following his arrest for: 1) Driving While Intoxicated, 4th offense; 2) Open Container; and 3) Driving While License Suspended or Revoked.
2. Allowing her personal relationships to influence her judicial conduct and judgment, when, on or about April 22, 2023, Judge Yazzie contacted Judge Brett Detsoi regarding a criminal complaint filed against her former domestic partner, Randy Begay, stating it was not signed, and instructed Judge Detsoi to initiate the release of Mr. Begay due to this alleged defect in the criminal complaint, and stated she "know[s] the guy."

The Commission petitioned the Supreme Court to accept the stipulation and consent to discipline in lieu of further proceedings on March 12, 2024. The Supreme Court accepted the stipulation on April 25, 2024, and ordered the appointment of a mentor on July 5, 2024, following the Commission's recommendation on June 7, 2024. The matter was unsealed pursuant to the Supreme Court's April 25, 2024, Order.

Judge Yazzie successfully completed the mentorship and unsupervised probation. The Commission filed a report to the Supreme Court detailing Judge Yazzie's successful completion of the stipulated terms and the matter was closed.

FORMAL DISPOSITION:

In the Matter of Joel Cano
Doña Ana County Magistrate Court
JSC Inq. No. 2023-047, 2023-053, 2025-048
Supreme Court Docket No. S-1-SC-40798, S-1-SC-40803

The Commission issued a Notice of Investigation and Order of Consolidation in JSC Inq. Nos. 2023-47 and 2023-053 to Judge Cano on August 25, 2023. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Cano's written response to the Notice of Investigation, the Commission invited Judge Cano to participate in an informal confidential conference with the Commission on December 4, 2023. The Conference afforded Judge Cano 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 Cano's written and oral responses, the Commission issued a Notice of Formal Proceedings on December 21, 2023. Judge Cano filed a response to the Notice of Formal Proceedings on January 12, 2024. A hearing on the merits was conducted on December 2, 2024, through December 4, 2024. At the conclusion of the hearing on the merits, the Commission found that Judge Cano committed willful misconduct as follows:

1. On or about January 9, 2023, Judge Cano conducted a prohibited ex parte investigation at the request of defense counsel Kelly O'Connell to ascertain "the candor or truthfulness of Officer [Gustavo] Avina" who was to testify in a case against Mr. O'Connell's client, Natalie Kuhns, when Judge Cano contacted New Mexico State Police Lt. Raymond White to determine the status of the tort claim filed by Natalie Kuhns against Officer Avina, the case agent in State v. Natalie Kuhns, M-14-DR-2022-00269.
2. On or about November 1, 2022, Judge Cano improperly interfered in a matter pending before him in State v. Garcia, M-14-DR- 202100478, and pending before Third Judicial District Court Judge Douglas Driggers on an "interlocutory appeal," D-307-LR-2022-00037. Judge Cano filed a letter in the appellate case disparaging the filing attorney, Kelly O'Connell, and in which Judge Cano accused Mr. O'Connell of lying to him and lying about him in the appeal.
3. On or about November 1, 2022, Judge Cano attempted to influence Third Judicial District Court Judge Drigger's decision and abused the prestige of Judge Cano's judicial office when he filed a letter in the appellate case, State v. Garcia, D-307-LR-2022-00037, in which Judge Cano questioned the veracity of defense attorney Kelly O'Connell, who filed the appeal.
4. On or about November 28, 2022, Judge Cano failed to recuse in the matter of State v. Garcia, M-14-DR-2021-00478, a case pending before him, following his letter to Third Judicial District Court Judge Douglas Driggers, which contained statements impugning the character of defense attorney Kelly O'Connell and in which Judge Cano accused Mr. O'Connell of lying to him and lying about him and which created the appearance that Judge Cano would not be fair and impartial in the case.
5. On or about February 3, 2023, Judge Cano falsely stated in his order dated February 3, 2023, that the parties stipulated to a rule extension when in fact, defense counsel Herman Ortiz did not stipulate to a rule extension; Judge Cano informed the defendant, outside the presence of counsel, in State v. Jose Franco, M-14-DR- 2021-00022, that the 182-day rule date expired on a Sunday, and Judge Cano moved the expiration date to Monday.

The Commission voted unanimously to recommend to the Supreme Court that Judge Cano 1) participate in a formal mentorship for the remaining two (2) years of his judicial term; 2) participate in supervised probation for the remaining two (2) years of his judicial term; 3) not seek judicial office through election or appointment after the conclusion of his current judicial term; 4) receive a public censure that will be published in the New

Mexico Bar Bulletin; 5) be suspended without pay for thirty (30) days; and 6) not preside over any case in which attorneys Kelly O'Connell or Michael Cain appear. The Commission petitioned the Supreme Court to accept the recommendation on March 4, 2025, in S-1-SC-40798.

Prior to Judge Cano filing a response on the recommendation to the Supreme Court, the Commission filed a Petition for Immediate Temporary Suspension and a Notice of Formal Proceedings on March 5, 2025, in JSC Inq. No. 2025-048, S-1-SC-40803. Judge Cano filed his response to the Petition for Immediate Temporary Suspension and Notice of Formal Proceedings on March 24, 2025. The Notice of Formal Proceedings contained the following charges:

1. On or between April 4, 2024, and February 28, 2025, Judge Cano allowed three known members of the Venezuelan gang Tren de Aragua to live on his property located at 1220 N. Reymond St., Las Cruces, New Mexico.
2. Judge Cano allowed three known Venezuelan Tren de Aragua gang members to have access to firearms, knowing or should have known that the Venezuelan Tren de Aragua gang members were under Conditions of Release which prohibited them from possessing or using firearms.

Judge Cano and the Commission entered into a stipulation whereby Judge Cano agreed to permanent resignation, the terms of which require he never seek or be appointed to judicial office in the State of New Mexico. The Commission petitioned the Supreme Court to accept the stipulation on April 15, 2025, and the Supreme Court entered an Order granting the stipulation to permanent resignation and unsealed the matter on April 22, 2025.

FORMAL DISPOSITION:

In the Matter of Susan E. Griffin
Catron County Magistrate Court
JSC Inq. No. 2023-055 and 2023-057
Supreme Court Docket No. S-1-SC-40665

The Commission issued a Notice of Investigation and Order of Consolidation to Judge Griffin on August 25, 2023. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Griffin's written response to the Notice of Investigation, the Commission invited Judge Griffin to participate in an informal confidential conference with the Commission on December 4, 2023. The Conference afforded Judge Griffin an opportunity to discuss her response to the Notice of Investigation and provided the Commission an opportunity to ask questions about the pending allegations.

After full consideration of Judge Griffin's written and oral responses, the Commission issued a Notice of Formal Proceedings on December 21, 2023. Judge Griffin filed a response to the Notice of Formal Proceedings on February 23, 2024. A hearing on the merits was conducted on August 5, 2024, through August 7, 2024. At the conclusion of the hearing on the merits, the Commission found that Judge Griffin committed willful misconduct as follows:

1. On or about June 2, 2023, Judge Griffin abused her position as judge of the Catron County Magistrate Court by using her judicial login credentials to access Odyssey, the New Mexico court's case management system, to create and print a civil summons in her personal case that fraudulently reflected the document was created, filed, and served by the Otero County Magistrate Court. The civil summons was served at her direction to DeWayne M. Braithwaite, the defendant in the matter of *Susan E. Griffin v. DeWayne M. Braithwaite*, M-38-CV-2023-00222, a civil eviction case she initiated to remove Mr. Braithwaite from her Otero County property.
2. On or about June 22, 2023, at a pretrial hearing in the matter of *Susan E. Griffin v. DeWayne M. Braithwaite*, M-38-CV-2023-00222, Judge Griffin failed to be truthful to Roosevelt County Magistrate Judge Christopher Mitchell when Judge Mitchell questioned her about whether she created the civil summons served on defendant Braithwaite. Judge Griffin told Judge Mitchell that she did not create the summons, that it must have been an error by the Otero County Magistrate Court, which she knew to be false.

The Commission voted unanimously to recommend to the Supreme Court that Judge Griffin be permanently removed from judicial office. The Commission petitioned the Supreme Court to accept the recommendation on November 18, 2024. Judge Griffin filed her response to the Petition recommending removal on December 12, 2024. The Supreme Court set the case for oral argument on April 24, 2025. At the conclusion of oral argument, the Supreme Court vacated the Commission's conclusions as to Count 1 and adopted the findings and conclusions as to Count 2. The Supreme Court's order was filed on April 29, 2025. The Supreme Court denied the Petition recommending permanent removal of Judge Griffin and imposed discipline including: 1) a 90-day suspension without pay; 2) a formal mentorship for a period of no less than one year; 3) completion of an ethics course approved by the Commission; 4) completion of an Odyssey training course deemed appropriate by the New Mexico Court Educational Institute; and 5) write and send letters of apology to each clerk at the Otero County Magistrate Court implicated in Judge Griffin's statements.

Judge Griffin attended at her own expense, and sent proof of successful completion, the National Judicial College web-based course, “Ethics and Judging: Reaching Higher Ground.” Judge Griffin also successfully completed an Odyssey training course selected by the New Mexico Court Educational Institute as ordered. The Commission filed its recommendation for mentor on May 6, 2025, and the Supreme Court granted the recommendation in their order filed June 5, 2025. Judge Griffin wrote and sent letters of apology to the Otero County Magistrate Court clerks who were implicated in her statements, with evidence of such filed with the Supreme Court on May 8, 2025.

Further updates will be included in the FY26 annual report.

In the Matter of Albert J. Mitchell

Tenth Judicial District Court

JSC Inq. No. 2023-126

Supreme Court Docket No. S-1-SC-40238

The Commission filed a Petition for Immediate Temporary Suspension and a Notice of Formal proceedings on January 8, 2024. On January 10, 2024, Judge Mitchell issued a letter of his intended resignation as of March 1 2024 to the Chief Justice of the Supreme Court and to the Governor. The Supreme Court granted the Commission's Petition for Immediate Temporary Suspension Without Pay on February 1, 2024. The Notice of Formal Proceedings contained the following charges:

1. On or about August 21, 2023, you violated the New Mexico Judicial Branch General Personnel Policy and Procedure: Harassment, including Sexual Harassment, Discrimination & Retaliation by creating an environment of harassment by having and displaying pornographic material on a computer screen in your Tenth Judicial District Court chambers. To wit: a pornographic image was paused and maximized on your computer screen which was viewed by a court employee.
2. On or about August 21, 2023, you violated the New Mexico Judicial Branch General Personnel Policy and Procedure: Harassment, including Sexual Harassment, Discrimination, & Retaliation by creating an environment of sexual harassment by having and displaying pornographic material on a computer screen in your Tenth Judicial District Court chambers. To wit: a pornographic image was paused and maximized on your computer screen which was viewed by a court employee.
3. On or between January 2008 and August 2023, you created and sustained an environment of harassment and sexual harassment by allowing pornographic material on your computer screen in your Tenth Judicial District Court chambers that could be viewed by judicial employees.
4. On or about August 21, 2023, you viewed pornographic material on your computer screen in your Tenth Judicial District Court chambers. Judge Mitchell entered into a *Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings* on February 2, 2024. A petition to accept the Stipulation was filed with the Supreme Court on March 18, 2024. The Supreme Court granted the petition and ordered the permanent retirement of Judge Mitchell on April 19, 2024.

FORMAL DISPOSITION:

In the Matter of Johnny Valdez
Cibola County Magistrate Court
JSC Inq. No. 2024-003
Supreme Court Docket No. S-1-SC-40571

The Commission issued a Notice of Investigation to Judge Valdez on February 13, 2024. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Valdez'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 3, 2024. The Conference afforded Judge Valdez 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 Valdez's written and oral responses, the Commission issued a Notice of Formal Proceedings on June 13, 2024. Judge Valdez filed his response to the Notice of Formal Proceedings on June 28, 2024. Having responded to the allegations, Judge Valdez and the Commission entered into a stipulation agreement and consent to discipline on September 10, 2024, in which the judge agreed to attend at his own expense, and successfully complete, the Workforce Management program conducted by the National Center for State Courts on December 3-4, and 10-11, 2024, and receive a public censure. Judge Valdez stipulated to the underlying facts, but did not admit to willful misconduct. Judge Valdez's stipulation, however, concedes that based on the stipulated facts, the Commission could find willful misconduct as to the following acts:

1. On or between December 2022 and July 2023, Judge Valdez had inappropriate physical contact with a Cibola County Magistrate Court clerk, by poking the clerk with a gel-filled keyboard wrist rest.
2. On or between December 2022 and July 2023, Judge Valdez made inappropriate and/ or denigrating comments to a Cibola County Magistrate Court clerk, stating words to the effect: The clerk was starting to get fat and needs to lose weight; the clerk's facial hair was not appropriate and is shaggy for work; the clerk needed haircuts; looks like a punching bag; should do push-ups and sit ups to lose weight; and that has a gut.
3. On or about July 6, 2023, Judge Valdez became upset with a Cibola County Magistrate Court clerk and angrily slammed files down on the clerk's desk after hearing about the clerk's complaint that Judge Valdez did not sign documents in a timely fashion.

The Commission petitioned the Supreme Court to accept the stipulation to discipline in lieu of further proceedings on September 12, 2024. The Supreme Court entered Orders granting the stipulated discipline and ordering the matter be unsealed on October 24, 2024, and November 22, 2024. Judge Valdez successfully completed the Workforce Management program conducted by the National Center of State Courts, received a public censure by the Supreme Court, and the Commission filed their Report on Judge Valdez's completion requesting that the matter be closed on March 7, 2025. The Supreme Court closed the matter upon the filing of the Commission's report. The Supreme Court published the following censure on January 27, 2025:

PER CURIAM.

This matter came before this Court on a petition to accept the *Stipulation Agreement and Consent to Discipline (Stipulation)* between the Judicial Standards Commission (Commission) and Hon. Johnny Valdez, a magistrate court judge in Cibola County.

We granted the petition and approved the terms of the *Stipulation* adopting the Commission's request and

Judge Valdez's stipulation to discipline including issuance of a public censure. We now publish this public censure in the State Bar of New Mexico *Bar Bulletin* in accordance with our order, the *Stipulation*, and Rule 27-401(A)(4) NMRA.

I. BACKGROUND

A complaint was filed against Judge Valdez with the Commission. The Commission completed its initial investigation, including completion of an informal conference which allowed Judge Valdez to personally discuss the allegations with the Commission. The Commission filed a notice of formal proceedings against Judge Valdez on June 13, 2024. The Commission and Judge Valdez entered into the *Stipulation* after that filing. As part of the *Stipulation*, Judge Valdez denied committing willful misconduct, but agreed that the Commission could find willful misconduct based on the following facts:

- A. On or between December 2022 and July 2023, [Judge Valdez] had inappropriate physical contact with [a magistrate court clerk] by poking him with a gel-filled keyboard wrist-rest.
- B. On or between December 2022 and July 2023, [Judge Valdez] made inappropriate and/or denigrating comments to [a magistrate court clerk], stating words to the effect: He is starting to get fat and needs to lose weight; his facial hair is not appropriate and is shaggy for work; he needs haircuts; he looks like a punching bag; he should do push-ups and sit ups to lose weight; and that he has a gut.
- C. On or about July 6, 2023, [Judge Valdez] became upset with [a magistrate court clerk] and angrily slammed files down on his desk after hearing about [the clerk's] complaint that [Judge Valdez] did not sign documents in a timely fashion.

Stipulation at 2.

Judge Valdez agreed that the described conduct violated the following Rules of the Code of Judicial Conduct: Rule 21-101 NMRA (requiring compliance with the law); Rule 21-102 NMRA (promoting confidence in the judiciary); Rule 21-203 NMRA (prohibiting bias, prejudice, and harassment); Rule 21-208 NMRA (requiring decorum and appropriate demeanor). Based upon the allegations, Judge Valdez also agreed that the Commission, looking at the facts, evidence, and totality of the circumstances, could find willful misconduct in office sufficient for this Court to impose discipline pursuant to Article VI, Section 32 of the New Mexico Constitution. As part of that discipline, Judge Valdez agreed to receive a public censure to be published in the State Bar of New Mexico *Bar Bulletin*. For the reasons discussed below, we issue this public censure.

II. DISCUSSION

Article VI, Section 32 of the New Mexico Constitution creates the Judicial Standards Commission and provides that "any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office." We have defined willful misconduct in office as "improper and wrong conduct of a judge acting in his official capacity done intentionally, knowingly, and, generally in bad faith. It is more than a mere error of judgment or an act of negligence." *In re Locatelli*, 2007-NMSC-029, ¶8, 141 N.M. 755, 161 P.3d 252 (internal quotation marks and citation omitted). In imposing discipline, "[t]here need not be clear and convincing evidence to support each and every one of the Commission's evidentiary findings. Rather, we must be satisfied by clear and convincing evidence that there is willful judicial misconduct which merits discipline." *In re Castellano*, 1995-NMSC-007, ¶37, 119 N.M. 140, 889 P.2d 175.

Judge Valdez agrees that the conduct described in the *Stipulation* violated Rules 21-101, 21-102, 21-203 and 21-208. *Stipulation* at 2. While a violation of the Code of Judicial Conduct alone may not require the imposition of discipline, it does provide evidence of misconduct. *Locatelli*, 2007-NMSC-029, ¶8. We agree that the stipulated facts support the conclusion that Judge Valdez violated Rules 21-101, 21-102, 21-103, and 21-208, and for that reason, he should be formally censured.

The preamble to the Code of Judicial Conduct states, “An independent, fair, and impartial judiciary is indispensable to our system of justice.” Rule 21-001(A) NMRA. To promote the public’s trust and to maintain and enhance confidence in the legal system, “[j]udges should maintain the dignity of judicial office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives.” Rule 21-001(B). In violating the Code of Judicial Conduct, Judge Valdez failed to uphold the dignity of the judicial office and behave in a manner that undermines public confidence in the integrity and professionalism of the judiciary.

Rule 21-101 requires a judge to “respect and comply with the law, including the Code of Judicial Conduct.” Rule 21-102 requires a judge to “act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and [to] avoid impropriety and the appearance of impropriety.” “Actual improprieties include violations of the law, court rules or provisions of the Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated th[e] Code.” *Id.* comm. cmt. 5.

Judge Valdez’s actions violated Rules 21-101 and 21-102. As a judge, he must strive to act all times in a manner that promotes public confidence in the integrity of the judiciary. *See* Rule 21-001(A), (B). Judge Valdez failed to uphold that standard by subjecting a magistrate court clerk to inappropriate personal comments and actions that demeaned and denigrated the employee. These actions were contrary to Rule 21-101 and the New Mexico Judicial Branch General Personnel Policy on Harassment, Including Sexual Harassment, Discrimination and Retaliation Prevention. These actions also created the appearance that he was harassing the court clerk, and appearance of impropriety in violation of Rule 21-102.

Under Rule 21-203(B), “[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment.” Judge Valdez violated Rule 21-203 when he repeatedly subjected a magistrate court clerk to remarks denigrating the clerk’s appearance and suggesting that the court clerk should lose weight. These harassing comments were heard by other court staff.

Rule 21-208(B) mandates that “[a] judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, *court staff*, court officials, and others with whom the judge deals in an official capacity.” (Emphasis added). Upon hearing that a magistrate court clerk had complained that Judge Valdez was not signing paperwork in a timely manner, Judge Valdez became upset, took paperwork to the clerk’s desk, and slammed the paperwork down. This conduct was not patient, dignified, or courteous to the court clerk as required by Rule 21-208.

These violations erode the public’s confidence, reflect negatively on the New Mexico judiciary as a whole, and is prejudicial to the effective administration of justice. A public censure is therefore appropriate under the Court’s power to discipline judges under the New Mexico Constitution Article VI, Section 32, and the Court’s power of superintending control under the New Mexico Constitution Article VI Section 3. The imposition of judicial discipline protects the public, preserves the public’s confidence in the integrity, independence and impartiality of the judicial system, and enforces the standards of conduct established by the Code of Judicial Conduct.

Having considered the stipulated facts, violations of the Code of Judicial Conduct, and the approved *Stipulation*, we hereby publicly censure Judge Valdez for willfully violating the established rules and standards that govern every New Mexico judge’s conduct. We issue this public censure to ensure the public’s confidence in the integrity, impartiality and independence of the judiciary and to remind all judges that misconduct, which erodes the public’s confidence, will not be tolerated.

For the foregoing reasons, Hon. Johnny Valdez is hereby publicly censured for willful misconduct as set forth fully in the *Stipulation*, which this Court accepted, adopted, and confirmed.

IT IS SO ORDERED.

FORMAL DISPOSITION:

In the Matter of Michael G. Rael
Questa Municipal Court
JSC Inq. No. 2024-016
Supreme Court Docket No. S-1-SC-40711

The Commission issued a Notice of Investigation to Judge Rael on April 9, 2024. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Rael's written response to the Notice of Investigation, the Commission invited the judge to participate in an informal confidential conference with the Commission on October 7, 2024. The conference afforded Judge Rael 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 Rael's written and oral responses, the Commission entered into a stipulation agreement and consent to discipline on November 6, 2024. Judge Rael stipulated to receiving a public censure from the Supreme Court, which was published in the New Mexico Bar Bulletin. Additionally, Judge Rael admitted to committing willful misconduct as follows:

- 1) On or about August 25, 2023, Judge Rael abused the prestige of judicial office when he repeatedly invoked his judicial title while speaking to officers who were investigating a car accident in which he was involved specifically referring to himself as "Judge Rael" and stated to officers that he was the judge in Questa.
- 2) On or about August 25, 2023, Judge Rael failed to follow the law when he admitted to officers investigating the car accident in which he was involved, that he was driving 55 miles per hour in a 45 mile per hour zone.

The Commission petitioned the Supreme Court to accept the stipulation to discipline in lieu of further proceedings on December 20, 2024. The Supreme Court entered an Order granting the stipulated discipline and ordering the matter be unsealed on January 22, 2025. The Supreme Court published the following censure in the *Bar Bulletin* on April 21, 2025:

PER CURIAM.

This matter came before this Court on December 20, 2024, pursuant to the filing of a petition to accept the *Stipulation Agreement and Consent to Discipline (Stipulation)* between the Judicial Standards Commission (Commission) and Hon. Michael G. Rael, a municipal court judge in Questa, New Mexico.

We granted the petition and approved the terms of the *Stipulation*, including Judge Rael's consent to the issuance of a Public Censure. We now publish this Public Censure in the State Bar of New Mexico *Bar Bulletin* in accordance with our order, the *Stipulation*, and Rule 27-401(A)(4), (B) NMRA.

I. BACKGROUND

A complaint against Judge Rael was filed with the Commission. The Commission's initial investigation included an informal conference which allowed Judge Rael to personally discuss the allegations with the Commission. The Commission and Judge Rael entered into the *Stipulation* after that informal conference. As part of the *Stipulation*, Judge Rael admitted committing willful misconduct based on the following facts:

- A. On or about August 25, 2023, Judge Rael abused the prestige of judicial office when he repeatedly invoked his judicial title while speaking to officers who were investigating a car accident in which he was involved specifically referring to himself as "Judge Rael" and stated to officers that he was the judge in Questa.

B. On or about August 25, 2023, Judge Rael failed to follow the law when he admitted to officers investigating the car accident in which he was involved, that he was driving 55 miles per hour in a 45 mile per hour zone.

Stipulation at 2.

Judge Rael agrees that the above-listed conduct violates the following Rules of the Code of Judicial Conduct: 21-101 NMRA (requiring compliance with the law), 21-102 NMRA (promoting confidence in the judiciary), 21-103 NMRA (avoiding abuse of the prestige of judicial office). Judge Rael also agrees that the admitted misconduct in office is sufficient for this Court to impose discipline pursuant to Article VI, Section 32 of the New Mexico Constitution. As discipline, Judge Rael agreed to receive a public censure to be published in the State Bar of New Mexico *Bar Bulletin*. For the reasons discussed below, we issue this public censure.

III. DISCUSSION

IV.

Article VI, Section 32 of the New Mexico Constitution creates the Judicial Standards Commission and provides that “any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office.” We have defined willful misconduct in office as “improper and wrong conduct of a judge acting in his official capacity done intentionally, knowingly, and, generally in bad faith. It is more than a mere error of judgment or an act of negligence.” *In re Locatelli*, 2007-NMSC-029, ¶8, 141 N.M. 755, 161 P.3d 252 (internal quotation marks and citation omitted). In imposing discipline, “[t]here need not be clear and convincing evidence to support each and every one of the Commission’s evidentiary findings. Rather, we must be satisfied by clear and convincing evidence that there is willful judicial misconduct which merits discipline.” *In re Castellano*, 1995-NMSC-007, ¶37, 119 N.M. 140, 889 P.2d 175.

Judge Rael agreed that the actions in the *Stipulation* violated Rules 21-101, 21-102 and 21-103 NMRA. *Stipulation* at 2. While a violation of the Code of Judicial Conduct alone may not require the imposition of discipline, it does provide evidence of misconduct. *Locatelli*, 2007-NMSC-029, ¶¶ 7-8. We agree that the stipulated facts support the conclusion that Judge Rael willfully violated Rules 21-101, 21-102 and 21-103, and for that reason, he should be formally censured.

The preamble to the Code of Judicial Conduct states, “An independent, fair, and impartial judiciary is indispensable to our system of justice.” Rule 21-001(A) NMRA. To promote the public’s trust and to maintain and enhance confidence in the legal system, “[j]udges should maintain the dignity of judicial office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives.” Rule 21-001(B). In violating the Code of Judicial Conduct, Judge Rael failed to uphold the dignity of judicial office and behaved in a manner that undermines public confidence in the integrity and professionalism of the judiciary.

Rule 21-101 requires a judge to “respect and comply with the law, including the Code of Judicial Conduct.” Rule 21-102 requires a judge to “act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and [to] avoid impropriety and the appearance of impropriety.” “Actual improprieties include violations of the law, court rules or provisions of the Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated the Code.” *Id.* comm. cmt. 5.

Judge Rael’s actions violated Rules 21-101 and 21-102. Judge Rael failed to follow the Code’s precepts which require him to act at all times in a manner that promotes public confidence in the integrity of the judiciary. *See* Rule 21-001(A), (B). Judge Rael exceeded the posted speed limit on a highway and, when talking with law enforcement, continually referred to himself as holding the position of judge. These actions violated the law and the Code of Judicial Conduct, contrary to Rule 21-101. Additionally, these actions created the appearance of impropriety by suggesting special treatment by law enforcement, contrary to Rule 21-102.

Rule 21-103 prohibits judges from “abusing the prestige of judicial office to advance the personal or economic interests of the judge or others.” In particular, the Committee Commentary to Rule 21-103 advises that “it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials.” Judge Rael thus violated Rule 21-103 when he repeatedly referred to himself as a judge, going to far as to say he was the judge in Questa and that he had held that position for twenty-three years.

Judge Rael agrees that the violations erode the public’s confidence, reflects negatively on the New Mexico judiciary as a whole and are prejudicial to the effective administration of justice. A public censure is therefore appropriate under the New Mexico Constitution Article VI, Section 32, and the Court’s power of superintending control under the New Mexico Constitution Article VI Section 3. The imposition of judicial discipline protects the public, preserves the public’s confidence in the integrity, independence and impartiality of the judicial system and enforces the standards of conduct established by the Code of Judicial Conduct.

Having considered the stipulated facts, violations of the Code of Judicial Conduct, and the accepted *Stipulation*, we hereby publicly censure Judge Rael for willfully violating the established rules and standards that govern every New Mexico judge’s conduct. We issue this public censure to ensure the public’s confidence in the integrity, impartiality and independence of the judiciary and to remind all judges that misconduct which erodes the public’s confidence will not be tolerated.

For the foregoing reasons, Hon. Michael G. Rael is hereby publicly censured for willful misconduct as set forth fully in the *Stipulation*, which this Court accepted, adopted, and confirmed.

IT IS SO ORDERED.

FORMAL DISPOSITION:

In the Matter of Hon. Deseri Sichler
Valencia County Magistrate Court
JSC Inq. No. 2024-153
Supreme Court Docket No. S-1-SC-40613

The Commission filed its Verified Petition for Immediate Temporary Suspension and a Notice of Formal Proceedings on October 16, 2024. The Supreme Court ordered Judge Sichler to file her response by November 4, 2024. Judge Sichler filed her responses to the Petition for Immediate Temporary Suspension and the Notice of Formal Proceedings on October 30, 2024. The Notice of Formal Proceedings contained the following charges:

1. On or about October 10, 2023, you acted beyond your jurisdiction when you ordered a period of probation that exceeded the statutory jurisdictional limits of the underlying charge in *State of New Mexico v. Thatcher Rattling Thunder*, M-59-VM-202200209. Following a bench trial, defendant was convicted of a misdemeanor with a total incarceration and probation exposure of not more than one year. You sentenced him on July 18, 2023 to serve 364 days in the Valencia County Detention Center, with all time suspended in favor of 364 days of supervised probation with the Valencia County DWI Program. On October 10, 2023, you removed defendant from supervised probation and placed him on unsupervised probation for a period of 364 days, starting from October 10, 2023. In so ordering, you knew or should have known that this exceeded your jurisdiction by a period of approximately three months, in violation of NMSA 1978 Section 31-19-1. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, and 21-205 NMRA and constitutes willful misconduct in office.
2. On or about October 10, 2023, you created an appearance of bias and favoritism toward the defendant when you removed the defendant from supervised probation with the Valencia County DWI program and ordered him to report directly to you following an evidentiary hearing in which you found the defendant guilty of a probation violation for failing to cooperate with the requirements of supervised probation, based upon the defendant's statements that he did not get along with the compliance officer. (See *State of New Mexico v. Thacher Rattling Thunder*, M-59-VM-202200209) Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, and 21-205 NMRA and constitutes willful misconduct in office.
3. On or about October 10, 2023, you failed to perform your judicial duties competently and diligently when you assumed the role of probation officer, ordered a defendant on unsupervised probation but continued to personally supervise the defendant, ordered the defendant to report directly to you, scheduled seven status hearings, and when you ordered the defendant to provide you with written 300 word status reports of his mental health care at each status hearing. (See *State of New Mexico v. Thatcher Rattling Thunder*, M-59-VM-202200209) Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-205 and 21-211(A)(2)(d) NMRA and constitutes willful misconduct in office.
4. On or about October 10, 2023 you failed to disqualify yourself in a case in which your impartiality could reasonably be questioned and you placed yourself in a position to become a material witness when you ordered a defendant to report directly to you, scheduled status hearings, and when you ordered the defendant to provide you with written 300 word status reports of his mental health care at each status hearing. (See *State of New Mexico v. Thatcher Rattling Thunder*, M-59-VM-202200209)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-205 and 21-21-211(A)(2)(d) NMRA and conducts willful misconduct while in office.

5. You initiated *ex parte* communications with a defendant and violated the defendant's due process rights when you knew or should have known that the defendant was represented by counsel. You ordered the probationer to report to you personally, scheduled seven compliance hearings, and ordered the probationer to file with you seven 300 word essays to detail the state of his mental health without notice or the opportunity to be heard from the defendant's attorney. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-205, 21-206, and 21-209 NMRA and constitutes willful misconduct in office.

6. On June 18, 2024, you failed to perform your judicial duties competently and diligently when you announced, during a preliminary hearing, your intention to dismiss a felony aggravated battery case with prejudice in *State of New Mexico v. Matthew Martinez*, M-59-FR-202300037. You knew or should have known that you did not have the jurisdiction to do so pursuant to NMSA 1978, Section 35-3-4, and contrary to Rule 6-202 (A) (3) NMRA and Rule 6-202 (D)(1) NMRA. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-201, and 21-205 NMRA 2024 constitutes willful misconduct in office.

7. On June 18, 2024, you displayed intemperate demeanor and failed to perform your judicial duties competently when you became impatient and acted confused with Assistant District Attorneys Heather Smallwood and Christopher Green when they informed you that you could not dismiss a felony case with prejudice under the rules. You stated in a confused manner, "What rule?" when you knew or should have known that you, as a magistrate judge, could not dismiss a felony case with prejudice. (See *State of New Mexico v. Matthew Martinez*, M-59-FR-202300037) Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-205, 21-208 NMRA and constitutes willful misconduct in office.

8. On or about May 7, 2024, you failed to perform your judicial duties competently and diligently when you attempted to determine the competency of a criminal defendant in *State of New Mexico v. Stanley Fleming*, M-59-VF-202400029. To wit: You asked the defendant in open court whether he knew what his charges were, if he understood why he was in court, and stated to the parties that based on your observations, you believed the defendant to be incompetent. You knew or should have known that you lacked jurisdiction to do so, and contrary to Rule 6-507.1 NMRA and NMSA 1978 §§ 31-9-1 to 31-9-1.1 (2016). Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, and 21-205, NMRA and constitutes willful misconduct in office.

9. On or about May 7, 2024, you failed to control your courtroom and displayed intemperate judicial demeanor when you willfully engaged in an argument with a defendant which lasted approximately five minutes after you questioned the defendant in a condescending tone about his competency status. (See *State of New Mexico vs. Stanley Fleming*, M-59-VF-202400029) Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-205, and 21-208 NMRA and constitutes willful misconduct in office.

10. You initiated and admitted in open court that you engaged in a prohibited *ex parte* conversation with the defendant's grandfather in *State of New Mexico v. Trent Atencio-Ortega*, M-59-DR-202200178, to assure the defendant's appearance at the pretrial hearing on April 24, 2024. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-201, 21-202, 21-203, 21-206, and 21-209, NMRA 2024, and constitutes willful misconduct in office.

11. On or about June 5, 2024, you failed to recuse after an attorney filed a motion requesting you to do so. (See *State v. Ryana Martin*, M-59-DR-202400049) The attorney's motion was based on your inappropriate and preferential treatment towards her, which included telling her she was your favorite attorney, telling her you wanted to appoint her personally to her first contract case, and then doing so in M-59-FR-202400204 on April 10, 2024, and giving her a Mother's Day card on May 8, 2024. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, 21-208, and 21-211 NMRA 2024, and constitutes willful misconduct in office.

12. On or between January 1, 2024 and August 31, 2024, your failure to perform your judicial duties competently and diligently resulted in a disproportionate shift in the caseload to your fellow magistrate judges when the Office of the 13th Judicial District Attorneys, the Law Office of the Public Defendant, and the private bar filed a combined two hundred and sixty-three (263) preemptory challenges against you. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, and 21-205 NMRA 2024, and constitutes willful misconduct while in office.

Judge Sichler and the Commission entered into a stipulation on December 13, 2024; Judge Sichler agreed to an immediate paid temporary suspension, to end on January 1, 2025, upon successful completion of the National Center for State Court's course entitled, "Purposes and Responsibilities of Courts." Additionally, Judge Sichler agreed to participate in a formal mentorship and serve on unsupervised probation until December 31, 2024. The Commission petitioned the Supreme Court to accept the stipulation on December 17, 2024, and the Supreme Court entered an Order granting the stipulation on January 10, 2025.

Further updates will be reported in the FY26 annual report.

PUBLISHED DISCIPLINARY OPINIONS

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 Comm. 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 Commission 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 Commission 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 2025, the State Legislature appropriated \$1,142,400.00 to the Commission from the general fund for salary and benefits, operations, investigation, and prosecution of judicial misconduct. The FY 2025 Commission expenditures totaled \$1,136,846.24 from the General Fund. A summary (by category) of the expenditures is provided below.

FY 2025 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$703,547.70	61.58%
Employee Benefits & Taxes	\$260,876.00	22.83%
Employee/Board Training & Licensing	\$9,302.53	1.1%
Commission Travel	\$13,635.84	1.20%
Investigation & Prosecution Expenses	\$2,269.20	.20%
Contractual Services	\$25,254.23	2.21%
Rent, Telecom, IT & Overhead	\$102,986.38	9.01%
Equipment, Supplies & Postage	\$15,515.41	1.35%
Subscriptions	\$3,458.71	.52%
TOTAL	\$1,136,846.00	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 \$15,286.01 . He has failed to make any payments to the Commission, and his debt to the State of New Mexico remains outstanding.

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

FY2025 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2025 Final Approved Budget	\$ 1,142,400.00	
Total FY 2025 General Fund Expenditures		\$ (1,136,846.24
FY 2025 General Fund Appropriations Reverted		\$ (5,554
Total Expenditures and Reversion		\$ (1,142,400.00

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
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%
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	1,142,400.00	1,098,902.77	43,497.23	0.00	3.8%
2025	1,142,400.00	1,136,846.24	5,554	0.00	.005%