



State Of New Mexico Judicial Standards Commission

FY26 Annual Report





**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

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ALBUQUERQUE, NEW MEXICO 87110-4159
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PHYLLIS A. DOMINGUEZ
Executive Director &
General Counsel

MARCUS BLAIS
Investigative Trial Counsel

REBECCA RALPH
Investigative Trial Counsel

November 1, 2026

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 2026 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.

Context

The Judicial Standards Commission is the ethics agency for the state's judicial branch of government and was adopted 59 years ago by constitutional amendment (November 7, 1967). The Commission 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.

Work of the Commission

Prior to FY 2025, the Commission required complainants to complete a written and notarized complaint form that was then processed and investigated by Commission staff. In 2025, the Commission created an online system for filing complaints. This resulted in more than doubling the number of complaints that the Commission was mandated to investigate from 154 in FY2024, to 380 in FY2026, including 72 cases that were carried over from FY25. Of these 452 complaints, 356 were resolved by the end of FY26.

The Commission found grounds to recommend to the NM Supreme Court the removal of one (1) judge in eight (8) cases after holding a hearing on the merits, one (1) judge resigned during a pending investigation, and one (1) judge stipulated to a formal mentorship. Along with these formal dispositions six (6) judges in seven (7) cases received an advisory letter, four (4) judges in five (5) cases stipulated to participation in informal mentorships and one (1) judge stipulated to an informal Order of Conditional Disposition. In FY 2026 the case dismissals were as follows: 46 cases dismissed as appellate, 31 cases dismissed because they concerned individuals beyond the Commission's jurisdiction, 247 cases dismissed as unsubstantiated, and 9 complaints were dismissed subsequent to additional investigation.

The Commission rules allow for the Commission to meet informally with a judge following receipt of a judge's response to a notice of investigation. This give a judge the opportunity to discuss and explain the judge's response, give the Commission the opportunity to ask questions of a judge and to explore options for an early disposition. In FY2026, the Commission held a total of eight (8) Informal Confidential Conferences in nine (9) cases. Two judges in ten (10) cases were temporarily suspended by the New Mexico Supreme Court pending disposition of their cases in FY2026.

Changes in Commission Membership and Staff

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 FY26 the Commission saw the following changes which included a new appointment as well as three re-appointments of sitting Commissioners.

To fill an unexpired term following the retirement of District Court Judge Cheryl H. Johnson, the NM Supreme Court appointed District Court Judge Amanda Sanchez Villalobos on January 20, 2026, and she will serve until June 30, 2027.

Nancy R. Long was reappointed by the Board of Bar Commissioners to a term expiring on June 30, 2030. Hon. Bradford J. Dalley was reappointed by the New Mexico Supreme Court to a term expiring on June 30, 2029, and I was reappointed by the Governor to a term expiring June 30, 2030.

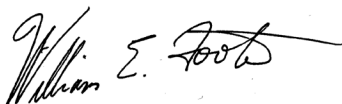
Governor appointed Commissioner Roberta Jean Kamm resigned on January 29, 2026, after six years of service to the Commission and her position remains vacant at this time.

Senior Staff Recognition

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 Dominguez, 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. Ms. Dominguez served as Vice-President from 2023-2025 and was elected as President to serve a 3-year term. Ms. Dominguez was appointed in 2025 to the Advisory Board of the National Center for State Courts' Center for Judicial Ethics. Ms. Dominguez conducts judicial ethics trainings for New Mexico judges and also presents on judicial ethics at the national level.

Additionally, Krista Giances-Chavez, our Chief Financial Officer, has been a member of Association of Government Accountants for 17 years and for 12 of those years has served as a Board member of the Albuquerque Chapter and in FY26 served as membership chair. In both 2025 and 2026 she received an award of excellence as Membership Chair for increasing the overall Albuquerque Chapters membership growth. Ms. Giances-Chavez has served on the Professional Development Committee for all 12 years of service on the Board and led the advance of hybrid conferences offerings. 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. 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,



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



F Y 2026

ANNUAL REPORT

CURRENT COMMISSIONERS

William E. Foote, Ph.D.
Chair

Twilla C. Thomason
Vice-Chair

Hon. Bradford Dalley

Kevin R. Dixon, Ph.D.

Jasper Hardesty, Ph.D.

Hon. Amanda Sanchez
Villalobos

Nancy R. Long, Esq.

Kristin D. Dorrell

Hon. David Overstreet

Robert Radosevich

Howard Thomas, Esq.

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
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 Phyllis Dominguez

Judicial Standards Commission

||| FORWARD

The Judicial Standards Commission is the ethics agency for the judicial branch of state government. The Commission operates independently from the courts even though it was created as a part of the judicial branch by amendment to the state constitution in 1968. However, it is NOT part of the judiciary's Unified Budget.

Art. VI, Sec. 32 of the New Mexico Constitution established the Commission's jurisdiction over all state court judges. The New Mexico Supreme Court adopted the Code of Judicial Conduct in 1972 which established standards for the ethical conduct of judges and judicial candidates who are governed in their judicial and personal conduct by general ethical standards as well as by the Code.

The New Mexico Supreme Court has recognized that judges are held to a higher standard of conduct than other elected officials and must accept the restrictions of the Code freely and willingly. When judicial behavior violates the standards and rules established by the Supreme Court, the Commission is mandated to investigate, hold evidentiary hearings and make recommendations to the Supreme Court for a judge's discipline, removal or involuntary retirement. The Supreme Court may accept, reject or modify the Commission's recommendations.

The Commission serves an important role to ensure that New Mexico judges observe the high ethical standards required by the Code. The Commission is charged with preserving the integrity of the judicial process, maintaining public confidence in the judiciary by protecting the public from improper judicial behavior and creating a greater awareness of proper judicial behavior among judges and the public. The Commission does not discipline judges and not all violations of the Code require Supreme Court discipline. Training, mentoring and supervision are often the remedy for a judge whose violation of the Code is less severe than those requiring discipline from the Supreme Court.

The Commission is not an appellate court and does not review judicial decisions for general legal error. The Commission has no authority to intervene in a case, affect the outcome of a court case, or excuse a judge from a case. The Commission cannot provide legal advice. As required by the New Mexico Constitution, all papers filed with, and all proceedings before the Judicial Standards Commission are confidential.

Anyone may file a complaint against a judge. The Commission receives complaints from many different sources to include members of the public, litigants, victims, judicial employees, judges, lawyers, law enforcement, and criminal defendants.

Prior to July 1, 2025, complaints filed with the Commission were required to be notarized, mailed and which often contained hundreds of supporting documents. The Commission amended its rules to allow complaints to be filed online through its website, which removed burdensome notarization and mailing costs and afforded complainants an efficient and easier access to the complaint process.

Prior to accepting online complaints, the Commission received 154 complaints in FY24 and the number of complaints filed after accepting online complaints has steadily increased. The Commission received 350 complaints in FY25 and received 380 complaints in FY26. If this upward trend continues, the Commission expects to receive in excess of 400 complaints in FY27.

Although the Commission's workload has doubled over past few years, Staff works diligently and tirelessly to ensure that every filed complaint receives a thorough and timely investigation. Staff prepares investigative reports which are presented to the Commissioners for determination of an appropriate disposition. Commissioners review thousands of documents in preparation for each meeting. Our volunteer Commissioners

meet six times per year and included in three of those meetings is a full week-long docket reserved for hearings on the merits.

New Mexico should be proud of its outstanding judiciary and the high quality of our judges who adhere to the high standards of accountability. The Commissioners and Staff are proud to serve the State of New Mexico and will continue to work tirelessly to ensure continued judicial accountability and to preserve the public's trust in the integrity, independence and impartiality of New Mexico's judiciary.

Respectfully,

A handwritten signature in black ink that reads "Phyllis Dominguez". The script is fluid and cursive, with the first letter of each word being capitalized and prominent.

Phyllis A. Dominguez
Executive Director

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.

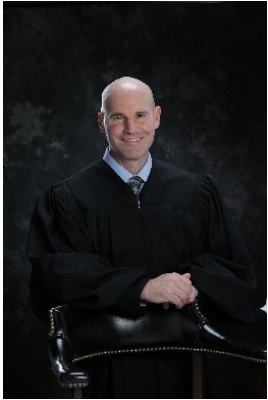
STATUTORY TERMS OF COMMISSIONERS AS OF JUNE 30, 2026

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	07/01/25-06/30/30
3	Robert J. Radosevich (R)	Governor	07/01/21-06/30/26
4	Twillia C. Thomason (I)	Governor	07/01/22-06/30/27
5	Jasper Hardesty (D)	Governor	11/22/24-06/30/29
6	Nancy R. Long, Esq.	State Bar	07/01/26-06/30/30
7	Howard Thomas, Esq.	State Bar	07/01/24-06/30/28
8	Hon. Amanda S. Villalobos	Supreme Court	01/20/26 -06/30/27
9	Hon. Bradford Dalley	Supreme Court	07/01/25-06/30/29
10	VACANT (I)	Governor	07/01/24-06/30/29
11	Hon. Mickie L. Vega	Supreme Court	07/01/23-06/30/27
12	Kristin D. Dorrell (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, 2026



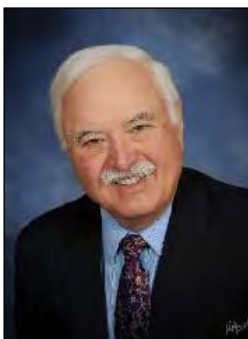
HON. BRADFORD J. DALLEY. After graduating from Farmington High School in Farmington, NM Brad went on to Brigham Young University where he received a Bachelor of Arts Degree in Political Science. After graduation from B.Y.U., Brad entered the University Of New Mexico School Of Law and earned a Juris Doctor. 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 Carnegie Mellon University.



KRISTIN DORRELL was born in Albuquerque and raised in Rio Rancho, NM and is the mother of three beautiful children. She went to Menaul School but transferred to Rio Rancho High School and graduated class of 2000. Ms. Dorrell 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. Dorrell also earned a Masters in Social Work in 2018 from New Mexico Highlands University. Ms. Dorrell works as a full-time therapist specializing in addictions and trauma in both Espanola and Rio Rancho, NM.



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, Ph.D. 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.



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.



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 23 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.



HON. 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.



HON. AMANDA SANCHEZ VILLALOBOS was appointed to the Judicial Standards Commission by the New Mexico Supreme Court in January 2026. She has served as a District Court Judge in the Thirteenth Judicial District Court in Cibola County since 2019. As a general jurisdiction judge, she also presides over an adult treatment court and a juvenile treatment court. Judge Villalobos co-chairs the Thirteenth Judicial District Court Pro Bono Committee. She earned both her bachelor's degree and law degree from the University of New Mexico. Prior to taking the bench, she served as a law clerk to Justice Pamela B. Minzner of the New Mexico Supreme Court and as a staff attorney for the New Mexico Court of Appeals. She also practiced law in the areas of complex civil litigation and business matters, and she served as a prosecutor.

CHAIRS OF THE COMMISSION

EXECUTIVE DIRECTORS

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

JOYCE BUSTOS, February 2012–August 2022

LARRY TACKMAN, April 2011–February 2012

DAVID S. SMOAK, August 2004–March 2011

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

DOUGLAS W. TURNER, July 2001–March 2003

BARBARA A. GANDY, August 1999–June 2001

DOUGLAS W. TURNER, April 1997–August 1999

ELEANOR SELIGMAN, February 1996–April 1997

DONALD PERKINS, August 1994–February 1996

FRED HARRIS, July 1992–August 1994

PEGGY C. TRAVER, September 1991–June 1992

HUBERT QUINTANA, July 1989–September 1991

HARRY THOMAS, June 1985–July 1989

JUNE O. KELLER, December 1984–June 1985

ALBERT N. JOHNSON, August 1983–December 1984

ELOY A. DURAN, September 1982–August 1983

SUSAN S. DIXON, July 1981–September 1982

LUCY M. SALAZAR, August 1980–July 1981

LOIS CHAPMAN, July 1979–August 1980

LUCY M. SALAZAR, August 1977–July 1979

DORIS WAKELAND, July 1975–August 1977

RICHARD VANN, June 1974–June 1975

LUCY M. SALAZAR, October 1972–June 1974

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

BOYD WEST, November 1969–June 1970

LUTHER A. SIZEMORE, July 1968–November 1969

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

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

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

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

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

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

ORGANIZATIONAL OVERVIEW

JURISDICTION & AUTHORITY

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

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

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

CONFIDENTIALITY

Article VI, Section 32 of the New Mexico Constitution mandates that "[a]ll papers filed with the commission or its masters, and proceedings before the commission or its masters, are confidential. The filing of papers and giving of testimony before the commission or its masters is privileged in any action for defamation, except that the record filed by the commission in the supreme court continues privileged but, upon its filing, loses its confidential character, and a writing that was privileged prior to its filing with the commission or its masters does not lose its privilege by the filing." Confidentiality requirements do not apply to third-party complainants (i.e., persons other than the subject judge or the Commission).

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

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

ACTIONS THE COMMISSION CANNOT TAKE

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

FILING, REVIEW, INVESTIGATION AND ADJUDICATION OF COMPLAINTS

Anyone may file a complaint against a judge using the Commission's complaint form. A complaint form may be completed and filed via the Judicial Standards Commission's website, www.nmjsc.org, by downloading the complaint from the website or requesting a complaint form be mailed to them. 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.

When a complaint is received, the Executive Director reviews the complaint to determine if it falls within the Commission's jurisdiction. If jurisdiction is found, Commission staff conducts a confidential initial investigation and files a report on the initial investigation with the Commission. Commission staff investigates and gathers evidence to be presented to the Commission, which may dismiss complaints in which the allegations are unsubstantiated, appellate or dismissed for lack of jurisdiction. Judges are not notified and the matter is closed and remains confidential with the Commission.

ACTIONS THE COMMISSION CAN TAKE ON COMPLAINTS

The Commission's staff assists the public with telephonic and in-person communications. Staff informs callers regarding how to file a complaint, the Commission's processes, procedures, rules, and regarding the limited scope of the Commission's jurisdiction under state law. Inquiries about complaint procedures may be made in writing, by telephone, or by visiting the Commission's website, www.nmjsc.org.

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 initial investigation. If, after the 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's Staff investigates and reviews 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 may be violated, and whether Commission action is necessary. If the Commission determines action is necessary, the judge will be notified through a Notice of Investigation that sets forth the allegations of the complaint. The judge must respond in writing to the Notice of Investigation. If the Commission, after reviewing the judge's response, does **not** determine that the matter should be closed, the Commission will invite the judge to participate in a voluntary, informal confidential conference with the Commission. The purpose of the conference is to give the judge the opportunity to discuss and explain to the Commission the response to the notice of investigation, to give the Commission an opportunity to ask the judge questions, further discuss the allegations and the judge's response, and to explore options for early disposition. A judge's decision not to participate in the informal conference will **not** be deemed a failure to cooperate by the judge and the case will then continue following Commission rules and procedures.

Formal Proceedings. At least seven (7) of the thirteen (13) members of the Commission must vote that good cause exists 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 Formal Proceedings but does not draft or review the charges contained therein.

Investigative Trial Counsel drafts the Notice of Formal Proceedings which contains the charges, the facts upon which the charges are based, the laws, canons and rules violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings

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' recommendations. The formal hearing is closed hearing. The judge has the right and is given 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 willful misconduct to recommend the 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 the discipline, removal or retirement of a judge to the New Mexico Supreme Court.

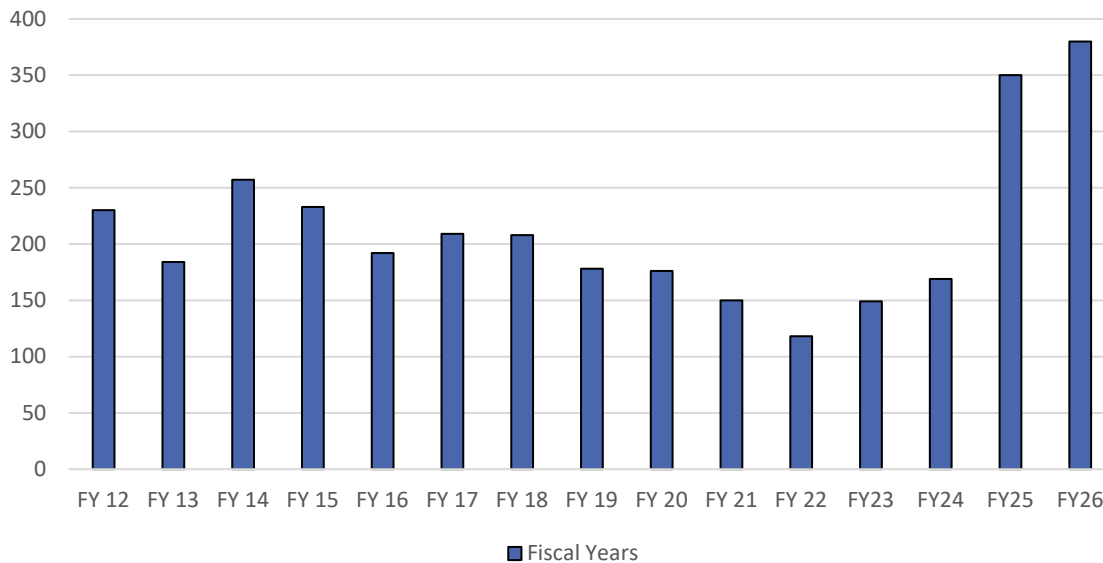
Dispositions. The Commission may dispose of a case at any time by dismissing it, confidentially advising a judge that the conduct may violate the standards of judicial conduct, and/or stipulating to mentorship, training, professional counseling, assistance, or other remedial measures. Stipulations may be informal and remain confidential before the Commission or may be formal, which requires acceptance by the Supreme Court.

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, 2025–June 30, 2026

14 YEAR HISTORY OF WRITTEN COMPLAINTS



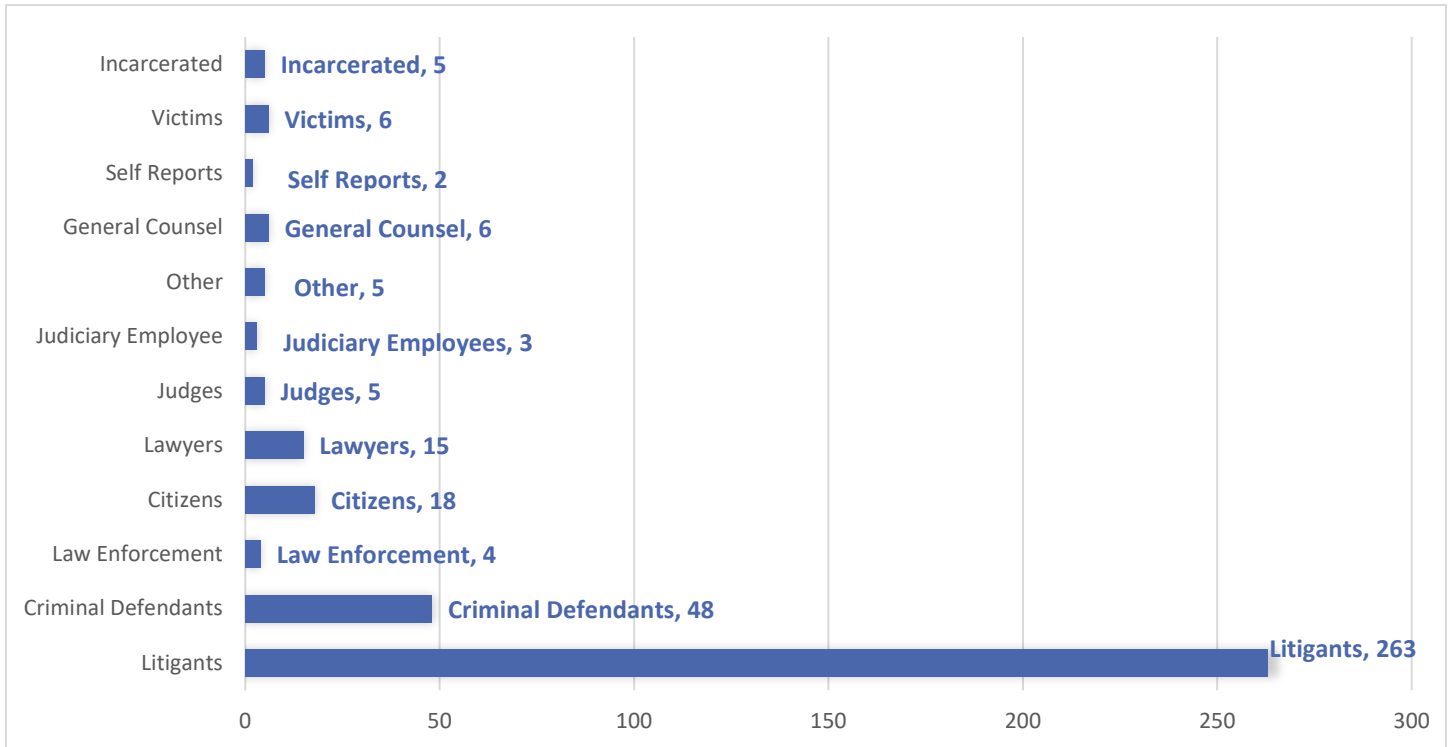
In FY24 the Commission initiated a rule change which removed the requirement that complaints had to be verified (notarized by a notary public) before filing. Pursuant to this rule change, complaints may now be submitted online via the Commission’s website. If requested, complaint forms will be mailed to those who request them. Complaints may be downloaded from the Commission’s website and are available in English and Spanish. The removal of the notarization requirement and the ability for complaints to be filed online brought about a significant increase in the number of complaints filed in FY26.

The Commission received 380 written complaints in FY26 and 350 in FY25, and in FY24, before implementation of online complaint filing, the Commission received 154 complaints. This is a 41% increase in complaints from FY24 to FY26. In the first quarter of FY27, the Commission has received 112 complaints and had 96 complaints carry over from FY26. At the current rate of filed complaints, the Commission anticipates receiving >400 complaints in FY27.

SOURCES OF COMPLAINTS

The distribution of sources for the 380 complaints filed with the Commission in FY26 are as follows: 263 by litigants or their family/friends, 48 by criminal defendants or their family/friends, 18 by citizens, 15 by lawyers, 3 by judiciary employees, 5 by judges, 4 by law enforcement, 5 by incarcerated individuals, 6 by victims, 6 by General Counsel, 2 self-reports and 5 by others or unspecified. The chart on the following page illustrates these figures.

COMPLAINT SOURCE



SUBJECT JUDGES OF COMPLAINTS

JUDICIAL BRANCH	COMPLAINTS	PERCENTAGE OF CASELOAD
Supreme Court	2	0.5
Court of Appeals	2	0.5
District Court	244	64.2
Metropolitan Court	21	5.5
Magistrate Court	72	19
Municipal Court	23	6.1
Probate Court	5	1.3
Not a Judge	11	2.9

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY 2026 (July 1, 2025)	72
New Written/ Complaints and Inquiries in FY26	380
Inquiries Concluded in FY 2026	(356)
Inquiries Pending at End of FY 2026 (June 30, 2026)	96

Of the 356 complaints resolved at the end of FY26, the Commission found grounds to recommend to the NM Supreme Court the removal of one (1) judge in eight (8) cases after holding a hearing on the merits, one (1) judge resigned during a pending investigation, and one (1) judge stipulated to a formal mentorship. Along with these formal dispositions six (6) judges in seven (7) cases received an advisory letter, four (4) judges in five (5) cases stipulated to an informal mentorship and one (1) judge stipulated to an informal Order of Conditional Disposition. In FY 2026 the case dismissals were as follows: 46 cases dismissed as appellate, 31 cases dismissed because they concerned individuals beyond the Commission's jurisdiction, 247 cases dismissed as unsubstantiated, and 9 complaints were dismissed subsequent to additional investigation.

In FY26 three (3) judges in ten (10) cases were temporarily suspended pending resolution of their inquiries.

In FY26 the Commission held (8) Informal Confidential Conferences in (9) cases.

HISTORICAL CASES FILED IN THE SUPREME COURT

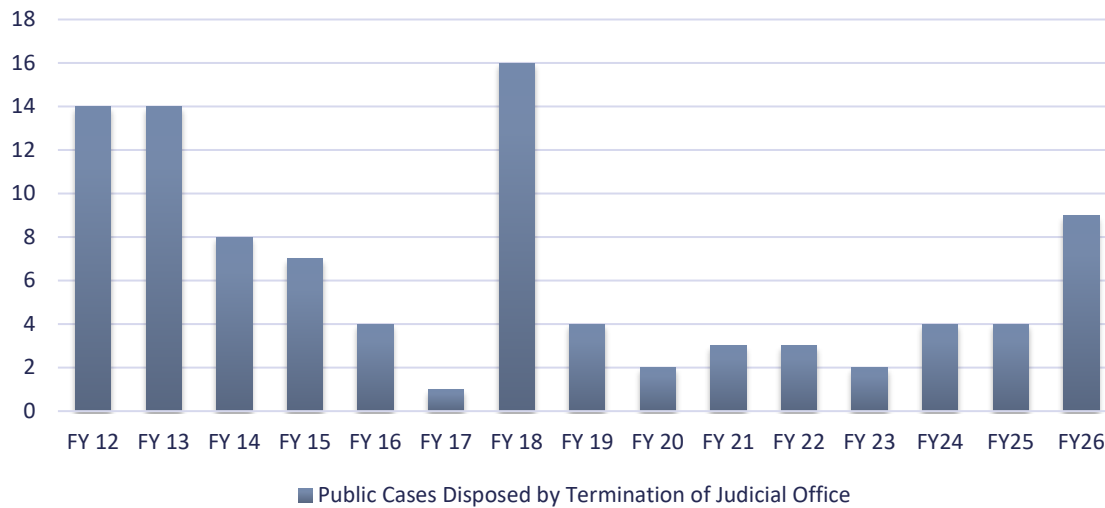
Since July 1, 1968, the Commission filed 205 cases for discipline and/or temporary suspension in the New Mexico Supreme Court involving 159 judges in 329 cases. By their nature, these cases involve willful misconduct, persistent failure or inability to perform a judge's duties, habitual intemperance, 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 the New Mexico Supreme Court.

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

In FY 2026, nine (9) cases concerning two (2) judges 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 159 cases concerning 85 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 discipline before the Supreme Court may include suspension, training, limitations on the performance of judicial duties, counseling, public censure, mentorship, or fines.
- Since its inception, the Commission has recommended to the Supreme Court the removal from judicial office of 19 judges.

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



HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case which does not warrant 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 training, 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 509 cases. The following tables illustrate the distribution of the informal cautionary or advisory letters, as well as mentorships. A brief discussion concerning confidential stipulation agreement follows thereafter.

CAUTIONARY OR ADVISORY LETTERS (349 CASES)

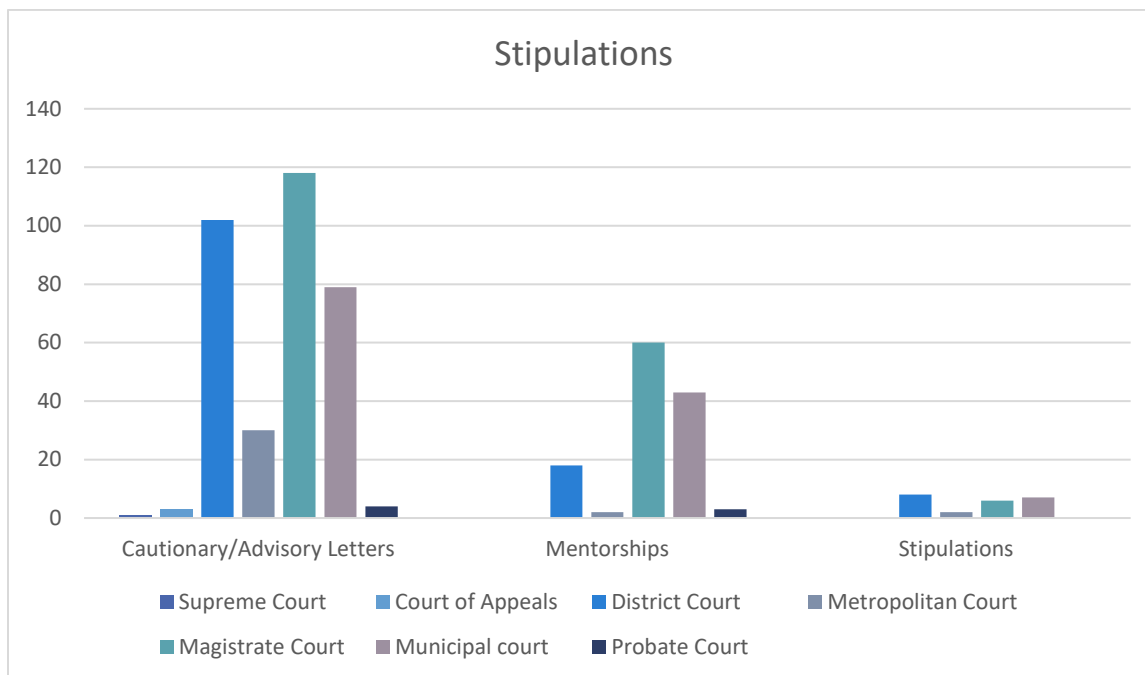
Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	1	0.3%
Court of Appeals	2	0.6%
District Court	110	31.51%
Metropolitan Court	31	9.0%
Magistrate Court	121	35.0%
Municipal Court	79	22.00%
Probate Court	5	1.5%

INFORMAL STIPULATIONS TO MENTORSHIPS (133 CASES)

Judicial Branch Involved	Number of Cases Filed	Percent of all Cases Filed
Supreme Court	0	0%
Court of Appeals	0	0%
District Court	22	16.5%
Metropolitan Court	3	2.3%
Magistrate Court	58	43.64%
Municipal Court	47	35.3%
Probate Court	3	2.3%

CONFIDENTIAL STIPULATIONS (27 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 2026, 1 case was disposed of through confidential stipulation. Historically, the Commission has disposed of 27 cases through such stipulations.



PROCEEDINGS BEFORE THE COMMISSION

JULY 1, 2025–JUNE 30, 2026

COMMISSION PROCEEDINGS

All the Commission's proceedings that resulted in either formal or informal dispositions during FY 2026 are summarized in this section. Formal cases are matters the Commission found to involve the most serious ethical issues violating the New Mexico Code of Judicial Conduct, thereby warranting formal review and proceedings before the Commission and/or



*The referenced
rules are
available on our
website*

www.nmjsc.org

the New Mexico Supreme Court. Informal cases, although less serious in nature and scope, involve significant issues that the Commission addresses confidentially through advisory letters to the subject judges or by stipulating with judges to complete training or the Commission's mentorship program. The Judicial Standards Commission's petitions filed with the Supreme Court after conducting hearings on the merits (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 are available to the public, unless 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 STIPULATIONS TO MENTORSHIPS

The Commission may elect to dispose of matters informally by referring judges for remedial measures or conditions which may include, but not necessarily be limited to, training, mentorship, counseling or other assistance. In the mentorship program, the Commission selects an experienced judge who is asked to structure an informal program to meet with the subject judge, address the Commission's issues of concern, and provide the judge being mentored with any needed help and/or advice. Participation in the program is accomplished through stipulation. The Commission makes no findings of wrongdoing, and these dispositions are not discipline.

A judge allegedly created an appearance of impropriety by virtually appearing robed and in chambers for a hearing in which the judge was the defendant. The judge successfully completed an informal mentorship.

A judge allegedly had ex parte conversations with non-parties regarding rulings and showed bias against a defendant. The judge successfully completed an informal mentorship.

A judge provided an interview to a reporter concerning a judgment in a pending matter. The judge successfully completed an informal mentorship in two matters.

A judge allegedly showed bias and a lack of judicial competence in a matter pending before the court and created an appearance of impropriety by considering facts not in evidence. The judge successfully completed training and informal mentorship.

INFORMAL STIPULATIONS

A judge allegedly failed to maintain the dignity of judicial office by wearing inappropriate apparel in the courtroom. The judge entered into a Conditional Informal Disposition whereby the judge was to "immediately cease from wearing" and "never again wear" the inappropriate attire. The judge agreed and signed a Consent Decree accordingly.

ADVISORY LETTERS

The Commission may dispose of a matter by privately advising the judge that the conduct alleged may violate the Code of Judicial Conduct. The Commission makes no findings of wrongdoing, and these dispositions are not discipline. However, the Commission is concerned that if true, the conduct may violate or may lead to a violation of the Code if not raised with the judge.

A judge allegedly used extraneous information in a motion to suppress hearing as evidence to grant the motion. The judge was advised to review and abide by all provisions of Code of Judicial Conduct specifically Rule 21-202 and "avoid making comments that may be seen by reasonable persons as prejudicial."

A judge allegedly used a religious phrase at the close of proceedings. The judge was advised to review Establishment Clause jurisprudence which requires the government, to include judges, to remain neutral not only among different religions but also between religion and nonreligion, *Kaufman v. McCaughtry*, 419 F.3d 678, 682 (7th Cir. 2004), *Rojas v. City of Ocala*, 40 F.4th 1347 (11th Cir. 2022) as well as abide by the Code of Judicial Conduct specifically Rules 21-202 and 21-203(B).

A judge allegedly engaged in an ex parte communication with a defendant without the prosecutor's presence. The judge was advised to review and abide by the Code of Judicial Conduct specifically Rule 21-209 which prohibits ex parte communication as well as Rule 21-206 which ensures all parties have the right to be heard.

A judge allegedly created an appearance of impropriety by failing to carefully and timely consider a request to recuse and by failing to carefully review documents to ensure accuracy. The judge was advised to "rule on motions in a timely manner" and was further advised to review and abide by the Code of Judicial Conduct and to specifically review Rules 21-102, 21-205, and 21-211 (including Committee commentary [5] as to Rule 21-102, Committee commentary [3] as to Rule 21-205, and Committee commentary [2] as to Rule 21-211) of the Code of Judicial Conduct.

A judge self-reported regarding a statement made to jurors in reference to their service. The judge was advised to be mindful of a judge's role as a neutral arbiter in interactions with jurors and to review and abide by the Code of Judicial Conduct and specifically to review and abide by Rule 21-208, including Committee commentary [2].

A judge allegedly failed to demonstrate proper judicial demeanor when the judge demeaned a defendant and a family member of the defendant. The judge was advised to maintain decorum in court, and to review and abide by the Code of Judicial Conduct, and specifically to review and abide by Rule 21-208(A) and (B).

FORMAL PROCEEDINGS AFTER A HEARING ON THE MERITS:

In the Matter of Hon. Brent A. Detsoi

McKinley County Magistrate Court

JSC Inq. No. 2023-061, 2023-078, 2024-021, 2024-024, 2024-030, 2024-090, 2024-111, and 2024-130

Supreme Court Docket No. S-1-SC-40574

The Commission issued a Notice of Investigation and Order of Consolidation in JSC Inq. Nos. 2023-061, 2023-078 and 2023-086 to Judge Detsoi on October 2, 2023. Judge Detsoi provided his response to the Notice of Investigation on November 13, 2023. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Detsoi's written response to the Notice of Investigation, the Commission invited Judge Detsoi to participate in an informal confidential conference with the Commission on February 5, 2024. The Conference afforded Judge Detsoi 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 Detsoi's written and oral responses, the Commission issued a Notice of Formal Proceedings on June 20, 2024. A response to the Notice of Formal Proceedings was not received from Judge Detsoi.

The Commission issued a Notice of Investigation and Order of Consolidation in JSC Inq. Nos. 2024-020, 2024-021, 2024-024, and 2024-030 to Judge Detsoi on April 9, 2024. Judge Detsoi provided his response to the Notice of Investigation on May 21, 2024. Pursuant to Commission Rule 19 NMRA and following the Commission's receipt and review of Judge Detsoi's written response to the Notice of Investigation, the Commission invited Judge Detsoi to participate in an informal confidential conference with the Commission on October 7, 2024. Judge Detsoi elected not to participate in the informal confidential conference.

The Commission issued an Amended Notice of Formal Proceedings on September 16, 2024, for JSC Inq. Nos. 2024-020, 2024-021, 2024-024, 2024-030, 2024-085, 2024-089, 2024-090, 2024-111, and 2024-130. Judge Detsoi provided his answer and response to the Amended Notice of Formal Proceedings on October 8, 2024. The Commission issued its Order of Consolidation for all cases on the same day, October 8, 2024.

On September 17, 2024, the Commission filed its Verified Petition for Immediate Temporary Suspension Without Pay as to JSC Inq. Nos. 2023-061, et al. The Supreme Court issued its Order suspending Judge Detsoi on October 2, 2024. On October 4, 2024, Judge Detsoi provided his Response in Opposition to Verified Petition for Immediate Temporary Suspension Without Pay. On October 8, 2024, Judge Detsoi filed a Motion to Stay Order for Immediate Temporary Suspension Without Pay. On October 25, 2024, the Commission filed its Response to Judge Detsoi's Motion to Stay Order for Immediate Temporary Suspension Without Pay. On November 5, 2024, the Supreme Court issued its Order denying Judge Detsoi's Motion and imposing a continued suspension upon Judge Detsoi for ninety (90) days. The Supreme Court ordered the Commission to file a status report on the proceedings at the conclusion of the ninety (90) day period. The Commission filed its status report on February 4, 2025. On February 12, 2025, the Supreme Court ordered that Judge Detsoi remain suspended without pay until April 7, 2025, the projected start date for the hearings on the merits, and until further order of the Court.

The Commission voted to dismiss JSC Inq. Nos. 2024-020, 2024-085, 2024-086, and 2024-089 on February 3, 2025. On February 7, 2025, the Commission issued its Second Amended

Notice of Formal Proceedings as to Inq. Nos. 2023-061, 2023-078, 2024-021, 2024-024, 2024-030, 2024-090, 2024-111, and 2024-130. Judge Detsoi provided his Response to Second Amended Notice of Formal Proceedings on February 24, 2025.

A hearing on the merits was conducted on April 7, 2025, through April 11, 2025. At the conclusion of the hearing on the merits, the Commission voted to dismiss counts 1 and 2. The Commission found that Judge Detsoi violated Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-205, 21-206, and 21-209 NMRA of the Code of Judicial Conduct and committed willful misconduct as follows:

1. On or about April 3, 2023, Judge Detsoi initiated an ex parte communication and violated the defendant's due process rights when Judge Detsoi questioned the defendant in State v. Chyler Davis, M-35-VM-2023-00015, on whether he had contacted the victim in his pending Battery Upon a Household Member case when Judge Detsoi knew or should have known that defendant was represented by counsel pursuant to counsel's entry of appearance filed on February 8, 2023.
2. On or about April 27, 2023, Judge Detsoi filed an order in cause M-35-CONFIDENTIAL, when Judge Detsoi knew or should have known that attorney Jerry Walz filed a Notice of Disqualification on April 26, 2023, which divested Judge Detsoi of jurisdiction over the case pursuant to NMSA Section 35-3-7.
3. On or about February 13, 2024, in County of McKinley v. Jessica Romero, M-35-MR-2023-00267, Judge Detsoi abused his judicial authority when he issued a subpoena to Gallup Police Animal Protection Officer Francisco James ordering him to appear and produce documents or evidence "regarding the issuance of citations and/or why this Misdemeanor offense is NOT filed with a Criminal Complaint, as indicated in Rule 6-201 NMRA." Judge Detsoi's order was filed despite Officer James correctly commencing the action by filing citations pursuant to Rule 6-201 of the Rules of Procedure for the Magistrate Courts. Judge Detsoi sua sponte issued the subpoena to Officer James without a request from any party contrary to Rule 6-606(A)(3).
4. On or about April 12, 2023, in State v. Brandon Vigil, M-35-SR-2023-00001, Judge Detsoi ordered attorney Brandon Vigil to show cause as to why he should not be held in contempt of court for allegedly failing to appear on three (3) dates in State v. Jamie Delgado, M-35-DR-2022-00154. Judge Detsoi issued the order when he knew or should have known that Mr. Vigil had not received adequate notice of the hearings and that the court was closed administratively because of inclement weather on February 15, 2023, one of the three (3) days listed in the order.
5. On or about April 12, 2023, in State v. Brandon Vigil, M-35-SR-2023-00001, Judge Detsoi acted punitively against Mr. Vigil and ordered him to produce "... an un-redacted copy of his Special Prosecutor contract...an un-redacted copy of his New Mexico State Bar License along with a copy of his Oath of Attorney," documents that were unnecessary and irrelevant to determine why he was not present for hearings set in the matter of State v. Jamie Delgado, M-35-DR-2022-00154.
6. Judge Detsoi acted without jurisdiction to do so in State v. Jamie Delgado, M-35-DR-2022-00154, a case that was assigned to Pro Tempore Judge Tina Garcia. Judge Detsoi set and sent to the parties a notice of an evidentiary hearing on January 25, 2023, held an evidentiary hearing and filed an order on the evidentiary hearing on January 30, 2023,

and set and sent to the parties a notice of an order to show cause hearing on February 1, 2023, contrary to Rule 6-105(A) of the Rules of Criminal Procedure for Magistrate Courts.

7. On or between May 19, 2023, and July 7, 2023, in State v. Quetawki, State v. Chimoni, State v. Tsabetsaye, and State v. Ashley, Judge Detsoi appeared to show bias to Native Americans when at arraignment he asked defendants, who appear to be Native American, to state their ethnicity and if Native American, sua sponte dismissed cases based on Judge Detsoi's own assumption that jurisdictional issues existed.

8. On or about June 1, 2023, in State v. Kevin James, Judge Detsoi held a bench trial and found the defendant guilty despite the defendant invoking his right to counsel at his arraignment prior to that date.

9. On or about June 23, 2023, in State v. Kevin James, M-35-TR-2022-01327, Judge Detsoi issued a Nunc Pro Tunc Order Vacating Bench Trial, deeming all June 1, 2023, trial testimony inadmissible and vacating the bench trial which barred future prosecution of the case since double jeopardy attached and contrary to Rules of Criminal Procedure for the Magistrate Courts 6-604, 6-701, and 6-702.

10. On or about March 21, 2023, Judge Detsoi stepped into the role of advocate when he sua sponte raised the issue of jurisdiction in State v. Marcus Lynch, M-35-IR-2023-00025, and dismissed the case without giving the parties notice or the opportunity to be heard and due to Judge Detsoi's perceived jurisdictional issues contrary to State v. Vandever, 2013-NMCA-002 ¶6, which states that "[a]s the party who challenged the jurisdiction of the district court, Defendant has the burden of demonstrating a lack of jurisdiction."

11. On or about March 21, 2023, in State v. Marcus Lynch, M-35-IR-2023-00025, Judge Detsoi failed to provide adequate and/or timely notice to the parties of a jurisdictional hearing and dismissed the case when the parties failed to appear knowing or should have known that the parties did not receive adequate notice.

12. On or about February 20, 2024, in the matter of State v. Machain, M-35-TR-2024-00191, Judge Detsoi sua sponte issued a subpoena to New Mexico State Police Officer Christian Roman to appear without a request from any party contrary to Rule 6-606(A)(3), under the penalty of contempt of court and ordered Officer Roman to produce evidence of "Whether the Defendant is an Indian" and "Whether the alleged violation of state law was within the exterior boundaries of Indian Country."

13. On or between May 15, 2024, and June 26, 2024, Judge Detsoi violated the parties' due process rights when Judge Detsoi dismissed the following cases without giving the parties notice or opportunity to be heard. See, State v. Roanhorse, M-35-DR-2024-00149; State v. Dedman M-35-DR-2024-00123; State v. Begay, M-35-FR-2024-00227; State v. Johnson, M-35-IR-2024-00026; State v. Spakes, M-35-DR-2024-00170; and State v. Wilson, M-35-DR-2024-00129.

14. On or about July 5, 2024, Judge Detsoi violated the parties' due process rights when Judge Detsoi dismissed State v. Benally, without giving notice and opportunity for the parties to be heard.

The Commission voted unanimously to recommend to the Supreme Court that Judge Detsoi be permanently removed from the bench. The Commission petitioned the Supreme Court to accept the recommendation on September 15, 2025. Judge Detsoi filed his response to the Petition recommending removal on October 9, 2025. The Supreme Court set the case for oral argument on October 27, 2025. At the conclusion of oral argument, the Supreme Court ordered supplemental briefing regarding the constitutionality of the Commission serving both investigative and adjudicative roles in the disciplinary process.

The Commission and Judge Detsoi submitted their briefs on November 18, 2025. On February 25, 2026, the Supreme Court filed its Order removing Judge Detsoi from judicial office. The Commission filed a Request for Judicial Disciplinary Opinion on March 13, 2026. The Supreme Court granted the request, filed its opinion and closed the case on July 10, 2026. The Supreme Court's Opinion is as follows.

PER CURIUM.

{1} This matter came before the Court on a petition for discipline filed by the Judicial Standards Commission (the Commission). As grounds for recommending the immediate and permanent removal of the Honorable Brent A. Detsoi (Respondent) from his position as a magistrate judge in McKinley County, New Mexico, the Commission determined that Respondent had engaged in willful misconduct in a series of thirteen cases in which he raised the issue of criminal jurisdiction sua sponte at various points in cases, including at arraignment and, after informally confirming the respective defendants' Indian status, summarily dismissed each of the prosecutions without sufficient or any notice and without a hearing. Testimony elicited at Respondent's hearing before the Commission indicated that Respondent had dismissed as many as sixty-three criminal prosecutions under similar circumstances. Respondent continued to dismiss criminal prosecutions despite multiple prior occasions on which he was reversed on appeal or counseled, warned, or admonished about the impropriety of such wholesale dismissals by fellow judges, court staff, and Administrative Office of the Courts personnel.

{2} To counter the Commission's recommendation to discipline and remove him from office, Respondent advances two principal contentions. First, Respondent argues that the Commission violated principles of fundamental fairness and procedural due process by denying his motion to appoint masters to adjudicate the charges against him. In Respondent's view, the Commission could not be fair and impartial because, in accordance with its own rules, it had overseen the investigation into the allegations of his misconduct and engaged in "secret, ex parte communications" with the executive director of the Commission and investigative trial counsel before issuing a notice of formal proceedings and adjudicating the charges against him. *See, e.g.*, Rule jsc-15(G)(1) NMRA ("[U]ntil issuance of a notice of formal proceedings, investigative trial counsel shall report to the Commission at each regular meeting on the progress of an investigation and the response to a notice of investigation. The Commission may monitor reports, direct the nature and extent of the investigation, or dispose of the complaint."). To be clear, Respondent does not argue or offer evidence to support a finding that the Commission was actually biased or prejudged the charges against him;¹ rather, he argues the Commission's dual roles of investigator and adjudicator create the appearance of prejudgment bias and "a lack of impartiality inherent in the challenged procedure."

¹ Respondent also conceded at oral argument before this Court that he does not challenge the sufficiency of the evidence in support of the Commission's factual findings in this case.

{3} Second, Respondent challenges the validity of the Commission's disciplinary recommendation on the ground that the charges against him are founded on nothing more than accusations of simple legal error, which he asserts “[can]not constitute willful misconduct in office... [and are not] a permissible basis upon which to discipline a [j]udge.” As Respondent sees it, reversal on appeal - not a judge’s discipline or removal - is the appropriate remedy for a judge's legal error.

{4} After oral argument, the Court ordered supplemental briefing on Respondent's first argument, limited to the following question: “whether the procedure provided by [the Commission] in this proceeding is constitutional under the New Mexico Constitution.” Amended Order, *In re Detsoi*, S-1-SC-40574 (N.M. Nov. 3, 2025). Upon review of the briefing from the parties, we issued an order granting the Commission's petition for discipline and imposing the recommended sanction of removal. Order, *In re Detsoi*, S-1-SC-40574 (N.M. Feb. 25, 2026). At the Commission's request, we now file this opinion to set out the reasoning behind our prior order. Order, *In re Detsoi*, S-1-SC-40574 (N.M. Apr. 13, 2026).

I. DISCUSSION

A. Standard of Review

{5} In deciding whether to discipline a judge, this Court “undertake[s] an independent evaluation of the record to determine whether clear and convincing evidence supports the Commission's recommendation, but in so doing, ... give[s] weight to the evidentiary findings of those who were able to judge credibility.” *In re Rodella*, 2008-NMSC-050, ¶ 10, 144 N.M. 617, 190 P.3d 338 (per curiam) (internal quotation marks and citation omitted). The meaning of clear and convincing evidence is well established: the evidence “‘instantly tilts the scales in the affirmative when weighed against the evidence in opposition and the fact finder's mind is left with an abiding conviction that the evidence is true.’” *Id.* (text only)² (quoting *State ex rel. Child., Youth & Fams. Dep’t v. Joseph M.*, 2006-NMCA-029, ¶ 15, 139 N.M. 137, 130 P.3d 198). And “[t]here need not be clear and convincing evidence to support each and every one of the Commission's evidentiary findings,” so long as there is “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 (per curiam). “[W]e review conclusions of law and recommendations for discipline de novo.” *In re Griego*, 2008-NMSC-020, ¶ 7, 143 N.M. 698, 181 P.3d 690 (per curiam). Applying our standard of review to this case, we turn first to Respondent's arguments related to the constitutionality of the Commission's procedures. Finding no merit in those arguments, we address his argument about the viability of judicial discipline founded on legal error and determine that he is not entitled to relief based on that theory.

B. The Commission Has Wide Discretion Under Article VI, Section 32 of the New Mexico Constitution and as a Matter of Federal Due Process to Decide Whether to Appoint Masters or Hear a Matter Itself Absent Evidence of Unconstitutional Bias

{6} A body of binding and persuasive case law already exists to help navigate the question of whether the procedures followed by the Commission in this disciplinary proceeding pass muster under the New Mexico Constitution. As explained below, this Court has repeatedly recognized the Commission's discretionary authority to appoint masters absent evidence of

² “(Text only)” indicates the omission of nonessential punctuation marks-including internal quotation marks, ellipses, and brackets-that are present in the text of the quoted source, leaving the quoted text otherwise unchanged.

actual or inherent bias under Article VI, Section 32 of the New Mexico Constitution and as a matter of federal due process. This recognition reflects the rule in New Mexico for more than sixty years that, absent evidence of actual or inherent bias, the combining of investigatory and adjudicatory functions by an administrative body is permissible. See *In re Radel/a*, 2008-NMSC-050, ¶¶ 5-8 (discussing the history of Article VII, Section 32). This is hardly a minority view, particularly in the context of judicial disciplinary proceedings; indeed, courts have routinely dismissed and refused to consider arguments such as those advanced by Respondent.

1. Role of the Commission

{7} From a historical perspective, the Commission was created by constitutional amendment in 1967 for the purpose of “oversee[ing] and investigat[ing] the performance, conduct and fitness of members of the judiciary.” *State ex rel. N.M. Jud. Standards Comm’n v. Espinosa*, 2003-NMSC-017, ¶ 2, 134 N.M. 59, 73 P.3d 197 (internal quotation marks and citation omitted). The provisions of Article VI, Section 32 establish the framework of the Commission, define the Commission's membership, and set out the procedure for disciplining or removing a “justice, judge or magistrate of any court” for, *inter alia*, “willful misconduct in office.” Article VI, Section 32 authorizes the Commission to investigate potential misconduct and either hold a hearing itself or appoint a panel of masters “to hear and take evidence.” “[I]f the commission finds good cause, it shall recommend to the supreme court the discipline, removal or retirement of the justice, judge or magistrate.” *Id.* The relevant portion of Article VI, Section 32 provides as follows.

The commission may, after investigation it deems necessary, order a hearing to be held before it concerning the discipline, removal or retirement of a justice, judge or magistrate, *or* the commission may appoint three masters who are justices or judges of courts of record to hear and take evidence in the matter and to report their findings to the commission. After hearing or after considering the record and the findings and report of the masters, if the commission finds good cause, it shall recommend to the supreme court the discipline, removal or retirement of the justice, judge or magistrate.

(Emphasis added.)

{8} The New Mexico Constitution assigns this Court an active-and ultimately dispositive-role in those judicial disciplinary cases in which discipline is recommended. Upon receiving a recommendation for discipline from the Commission, the Court “shall review the record of the proceedings on the law and facts” and order any discipline it deems “just and proper.” *Id.* The Court also may “wholly reject the recommendation.” *Id.* Thus, Article VI, Section 32 creates a scheme in which the Commission “acts as an advisory body, and makes recommendations to this Court, which has the final decision[-]making authority.” *Espinosa*, 2003-NMSC-017, ¶ 13.

{9} Article VI, Section 32 says little about the procedures the Commission should follow when investigating and adjudicating alleged judicial misconduct and instead provides that “[t]he commission shall promulgate regulations establishing procedures for hearings under this section.” The constitutional provision provides: “No justice, judge or magistrate who is a member of the commission or supreme court shall participate in any proceeding involving the justice’s, judge’s or magistrate’s own discipline, removal or retirement.” *Id.* But relevant here, the constitutional provision explicitly states that the Commission may preside over the adjudicatory hearing or appoint masters “to hear and take evidence,” without providing a standard to guide the Commission in exercising that discretion. *Id.* The Legislature has clarified that masters shall be appointed “if the commission deems it necessary or convenient,” a broad

and forgiving standard the Commission has also adopted in its own rules. NMSA 1978, § 34-10-2.1(B)(3) (2023); Rule jsc-4(G)(I) NMRA (“[A]t any time the Commission deems it necessary or convenient, it may appoint three (3) masters...to hear testimony and receive other evidence.”). Plainly, the repeated use of the permissive term may together with the disjunctive term or in these contexts affords wide discretion to the Commission in deciding whether to hold a hearing itself or instead appoint a panel of masters to do so.

2. Our precedent supports the Commission's discretion to hear disciplinary matters or appoint masters without violating due process

{10} Applying these ground rules, this Court held in *In re Rodella* that “the decision whether to appoint special masters is left to the discretion of the Commission” and is reviewed for “an abuse of that discretion.” 2008-NMSC-050, ¶ 8; see also *In re Castellano*, 1995-NMSC-007, ¶ 16 (declining to impose limitations on the Commission's “flexibility in adopting procedures” for the appointment of masters). The conclusion in *In re Rodella* came in response to and refuted an argument that the Commission was politically biased against the respondent judge and should have referred the Commission’s “investigation and fact finding...to special masters in order to ensure objectivity.” 2008-NMSC-050, ¶5. The *In re Rodella* Court was “not persuaded that the Commission is either inherently biased or that there is evidence that it was [actually] biased in its investigation or examination of [the judge in that case].” *Id.* ¶ 6. With regard to inherent bias, the Court stated that “there are sufficient checks on political influence, both in the form of confidentiality, and in this Court’s power to review the Commission's actions, to ensure the independence of the Commission in fulfilling its role in overseeing judicial conduct.” *Id.* ¶ 7. And regarding actual bias, the Court concluded that the respondent judge had not provided evidence to show that the Commission abused its discretion by refusing to appoint masters in his case. *Id.* ¶ 8.

{11} *In re Rodella* is consistent with *In re Castellano*, an earlier case from this Court, which rejected arguments that due process was violated when the Commission appointed masters who were also members of the Commission.³ See 1995-NMSC-007, ¶ 16. Before addressing the merits, the *In re Castellano* Court acknowledged that the Commission proceedings “must be conducted to provide the respondent with procedural due process.” *Id.* ¶ 15; accord *In re Rodella*, 2008-NMSC-050, ¶¶ 5-8 (considering whether the Commission was unconstitutionally biased against the respondent judge, an issue that sounds in due process). The *In re Castellano* Court also announced a harmless error standard for procedural errors in the Commission proceedings, holding errors will not affect the Court's review “unless the errors actually prejudiced the respondent.”⁴ 1995-NMSC-007,115.

{12} Addressing the merits, the *In re Castellano* Court disagreed that the masters’ participation in multiple stages of the proceedings violated due process. *Id.* The Court saw “no basis in the record for finding . . . conduct that could be viewed as having predetermined the facts,” even in

³ The *In re Castellano* Court did not specify whether it decided that case under the federal or state constitutional guarantee of due process. While the Court's silence suggests it relied on the federal right to due process, the Court's reasoning seems rooted in general principles of fairness, rather than any specific understanding or application of federal law. See *In re Castellano*, 1995-NMSC-007, ¶¶ 15-16.

⁴ Respondent has not offered evidence or argument that unconstitutional bias actually affected the outcome of this proceeding. Therefore, even if we were to agree with Respondent that the Commission's dual roles create the appearance of prejudgment bias and a “lack of impartiality inherent in the challenged procedure” such that the Commission should have appointed masters in this case, Respondent simply has not shown-or even claimed-that he suffered resultant prejudice as *In re Castellano* requires. 24

circumstances where the masters had presided over the respondent judge's hearings, issued findings of fact and conclusions of law recommending his removal, and voted with the Commission to recommend his removal by the Court. *Id.* ¶¶ 13, 15. The Court also disagreed that the Commission had given "disproportionate influence" to its member-judges by appointing them as masters. *Id.* ¶ 16. The Court readily acknowledged that "[c]hoosing special masters who are not Commissioners might be a wise precaution against an erroneous perception of even greater influence." *Id.* But because the masters were "judges of courts of record" and therefore met the sole qualification for appointment under Article VI, Section 32, their appointments nonetheless satisfied due process. *In re Castellano*, 1995-NMSC-007, ¶ 16.

{13} A final aspect of the parallel reasoning of *In re Rodella* and *In re Castellano* is noteworthy. In both cases, the Court emphasized the distinct roles assigned to the Commission and the Court under Article VI, Section 32, recognizing that the Commission's authority is limited to "recommend[ing discipline or] removal to this Court," while this Court "independently review[s] the proceedings below to determine, de novo, whether to accept the recommendation of the Commission." *In re Rodella*, 2008-NMSC-050, ¶ 8; *In re Castellano*, 1995-NMSC-007, ¶ 15 (citing *In re O'Dea*, 622 A.2d 507, 514 (Vt. 1993), as standing for the proposition that a "due process violation [is] less likely when [an] administrative body is not [the] final decision[-]making authority"). The Court's role as "the final decision[-]making authority" thus serves as a significant safeguard against accusations of bias in a particular case. *Espinosa*, 2003-NMSC-017, ¶ 13.

{14} At bottom, *In re Rodella* and *In re Castellano* provide a ready framework for determining whether the Commission's procedures in this case pass muster under the New Mexico Constitution. Be it based on the explicit provisions of Article VI, Section 32 or as a matter of basic fairness and due process, this Court has long deferred to the Commission's discretion to appoint masters, absent evidence of unconstitutional bias that "prejudiced the respondent [judge]." *In re Castellano*, 1995-NMSC-007, ¶ 15; see also *In re Rodella*, 2008-NMSC-050, ¶ 8. And particularly in *In re Castellano*, the Court saw no cause for concern even though the masters' participation throughout the Commission's proceedings was extensive. See *In re Castellano*, 1995-NMSC-007, ¶¶ 13, 15. Absent any suggestion of unconstitutional bias or resulting prejudice in this case-and indeed with no challenge whatsoever to the Commission's factual findings overall-it is clear that, under governing New Mexico case law, the Commission neither abused its discretion under Article VI, Section 32 nor violated general principles of due process when it opted not to appoint masters to adjudicate the charges against Respondent.

3. This Court's longstanding interpretation of federal due process in the administrative context additionally undercuts Respondent's position

{15} Even beyond *In re Rodella* and *In re Castellano*, this Court has long adopted the consensus-if not unanimous-view that, as a matter of federal due process, an administrative agency's dual role as investigator and adjudicator does not, "in itself," create an unconstitutional risk of bias. *Seidenberg v. N.M. Bd. of Med. Exam'rs*, 1969-NMSC-028, ¶ 24, 80 N.M. 135, 452 P.2d 469 ("The fact that charges are made by the same body which tries the issues does not, in itself, operate as a disqualification."). This approach is consistent with a long line of federal jurisprudence on the issue. See *Withrow v. Larkin*, 421 U.S. 35, 54-55 (1975) (holding there was no violation of due process where adjudicators presided over hearings on charges they themselves investigated); *Knapp v. U.S. Dep't of Agric.*, 796 F.3d 445, 468 (5th Cir. 2015) (recognizing that "an agency's dual role of investigating and adjudicating disputes and complaints does not alone demonstrate unconstitutional bias" (text only) (citation omitted)). In order to establish a due process violation in the judicial disciplinary context, adherence to this approach requires a showing "that the Commission [was] either inherently biased or that there [was] evidence that it was [actually]

biased in its investigation or examination of [the respondent judge].” *In re Rodella*, 2008-NMSC-050, ¶ 6. The combined force of the holdings in *Seidenberg* and *Withrow* undermine a determination that the Commission was inherently biased as a structural matter, while Respondent’s full acceptance of the factual findings made by the Commission below all but preclude a determination that the Commission was actually biased in this case.

4. Similar procedures have been unanimously upheld by state courts nationwide under substantively identical challenges

{16} Looking to other state court jurisdictions for guidance, there seems to be near unanimity that a judicial disciplinary body’s combined investigatory and adjudicatory functions do not violate due process. Because these cases are heavily influenced by the United States Supreme Court’s holding to that effect in *Withrow*, we summarize *Withrow*’s holding and rationale before discussing the uniform out-of-state authorities that cut against Respondent’s position here.

{17} Similar to the approach taken by Respondent in this case, the physician in *Withrow* objected to a licensing board’s dual roles of investigator and adjudicator in overseeing his disciplinary proceeding, arguing the arrangement would violate the physician’s right to a neutral, detached decisionmaker. *See* 421 U.S. at 38-39, 42. The United States Supreme Court acknowledged that due process requires “a fair trial in a fair tribunal,” including in administrative agencies. *Id.* at 46 (internal quotation marks and citation omitted). The Court also noted circumstances when “the probability of actual bias...is too high to be constitutionally tolerable,” such as when a decisionmaker “has a pecuniary interest in the outcome...[or] has been the target of personal abuse or criticism from the party before him.” *Id.* at 47 (footnote omitted). But the Court remained unpersuaded that “conferring investigative and adjudicative powers on the same individuals poses such a risk of actual bias or prejudice that the practice must be forbidden.” *Id.* Rather, the Court established “a presumption of honesty and integrity in those serving as adjudicators” that may be overcome with contradictory evidence, on a case-by-case basis. *Id.* “Without a showing to the contrary, state administrators are assumed to be [people] of conscience and intellectual discipline, capable of judging a particular controversy fairly on the basis of its own circumstances.” *Id.* at 55 (internal quotation marks and citation omitted).

{18} In the matter at hand, the Commission cites persuasive authority from other jurisdictions citing and reaching the same conclusion as *Withrow*, specifically in the context of judicial disciplinary proceedings. *See Gentry v. Jud. Conduct Comm’n*, 612 S.W.3d 832,841 (Ky. 2020) (citing *Withrow* in concluding that the judge under investigation “offer[ed] no persuasive evidence to overcome the presumption of lack of bias” purportedly resulting from “the combined investigative and adjudicative functions of the [c]ommission”); *Adams v. Comm’n on Jud. Performance*, 897 P.2d 544, 550 (Cal. 1995) (en banc) (discussing precedent that relied on *Withrow* to reject the argument that “the [c]ommission did not provide a neutral forum, because the accusatory, investigatory, and adjudicatory functions were combined so that the adjudicatory process did not comport with generally accepted standards of due process”); *In re Zoarski*, 632 A.2d 1114, 1121 (Conn. 1993) (citing *Withrow* and other cases in rejecting the judge’s argument that due process was violated when “members of the council...conducted the investigatory hearing that led to a finding of probable cause and thereafter...adjudicated the ultimate merits of the charges against him”).

{19} Further, in a case cited by neither party, the Alaska Supreme Court explained that as of 1975, twenty-four states, including New Mexico, had adopted procedures allowing “the [c]ommission both to conduct a preliminary investigation and to adjudicate facts and make a

recommendation to the supreme court.”⁵ *In re Hanson*, 532 P.2d 303, 306 & n.9 (Alaska 1975). Disagreeing that this “combination of judicial and investigative functions” violated due process “under [either] the federal constitution or Alaska’s constitution,” the *In re Hanson* court observed that the “argument has been rejected by all courts which have considered the question.” *Id.* at 306; see also *In re Del Rio*, 256 N.W.2d 727, 736 (Mich. 1977) (per curiam) (“[T]he authority is legion in support of the proposition that combining the investigative and adjudicative roles in a single agency does not necessarily violate due process in administrative adjudications such as judicial fitness hearings.”). Since then, the trend of rejecting arguments similar to the one advanced by Respondent herein has continued, most recently in 2022 by the Michigan Supreme Court. See *In re Morrow*, 976 N.W.2d 644, 651 (Mich. 2022) (per curiam) (reaffirming under *Withrow* that the Michigan commission’s combined investigatory and adjudicative functions do not violate due process)

{20} *In re Hanson* also presaged this Court’s approach in *In re Rodella* on two important points. First, in holding that the Alaska commission’s dual functions “did not result in a biased or partial tribunal,” the Alaska Supreme Court emphasized its own role in the disciplinary process, noting that it has “the ultimate authority in disciplinary matters affecting the judiciary.” *In re Hanson*, 532 P.2d at 306-07; accord *In re Rodella*, 2008-NMSC-050, ¶8. Second, the Alaska high court rejected an argument-identical to the one made by Respondent here-that due process was violated by the Alaska commission’s “option to hear the matter itself or to refer the charges to a master for a hearing.” *In re Hanson*, 532 P.2d at 307 & n.15. The *In re Hanson* court found it “untenable” that “the [c]ommission must always appoint a master,” reasoning as follows:

The [c]ommission should have the option of referral to a master where the particular matter requires extensive testimony or specialized fact-finding. On the other hand, where the [c]ommission wishes to handle the matter without appointment of a master, we can discern no legal impediment to proceeding in such a manner.

Id. at 307. Thus, as in New Mexico, the decision whether to appoint a master in *In re Hanson* was properly entrusted to the commission’s discretion. Accord *In re Rodella*, 2008-NMSC-050, ¶ 8.

{21} The rule appears to be unanimous in New Mexico and elsewhere that the Commission’s combined investigatory and adjudicatory functions do not, of themselves, violate generally accepted standards of due process, including in the many states that employ judicial disciplinary structures and procedures substantially identical to those in use in New Mexico. Effectively conceding as much, Respondent urges this Court to “part company with *Withrow*” and its progeny by invalidating the Commission’s procedures through a broadening of the due process provisions of Article II, Section 18 of the New Mexico Constitution. For reasons discussed below, we decline Respondent’s request.

C. Respondent Has Offered No Persuasive Reason to Depart from Our Existing Procedural Due Process Protections in the Judicial Disciplinary Context in New Mexico

{22} In undertaking an interstitial analysis⁶ in support of his state constitutional claim, Respondent invokes two of the three grounds generally relied on to justify a state constitutional

⁵ At oral argument in this case, the Commission represented that New Mexico is one of thirty-three states currently operating under a “single-tiered system,” where the judicial disciplinary body investigates and adjudicates charges against a judge before recommending discipline to the state’s high court.

⁶ Respondent acknowledges this Court’s invitation in *Lujan Grisham v. Van Soelen*, 2023-NMSC-027, ¶ 19 n.7, 539 P.3d 272, to revisit whether the interstitial approach still serves New Mexico and promotes the development of independent state-constitutional protections. But Respondent has chosen to adhere to the interstitial method in his argument here, maintaining that it remains the law and “neither alters the outcome of the present inquiry nor fails to give the New Mexico Bill of Rights its due.”

departure from federal jurisprudence: first, that “the federal analysis [in *Withrow*] is flawed,” and second, that “distinctive state characteristics exist that would support the departure.” See *State v. Crane*, 2014-NMSC-026, ¶15, 329 P.3d 689 (citing *State v. Gomez*, 1997-NMSC-006, ¶19, 122 N.M. 777, 932 P.2d 1). As we explain, Respondent misses the mark on both points.

{23} To begin, Respondent likens the situation at bar to that presented to this Court in *State v. Martinez*, 2021-NMSC-002, ¶¶ 36, 85, 478 P.3d 880, in which we agreed to construe the due process provisions of Article II, Section 18 of our state Constitution more broadly than its federal counterpart in assessing the admissibility of eyewitness identification evidence. The chief inspiration underlying this doctrinal sea change was “the substantial body of empirical scientific studies on human memory and perception undertaken in the wake of [the, then outdated, governing federal precedent] and the legal literature, decisional law, and statutory enactments that have developed accordingly.” *Id.* ¶ 38. Clearly, the “vast body of social science research” and “[t]he legal literature...replete with discussions of the doctrinal and scientific shortcomings of the [federal] reliability test” that were presented to the *Martinez* Court, *id.* ¶¶ 40, 53 (internal quotation marks and citation omitted), are a far cry from the sparse-three in all-and narrowly conceived psychological journal and law review articles relied on by Respondent in this case. While this trio of commentaries-primarily addressing a concept known in the scientific community as confirmation bias⁷-may provide an articulable basis to question the rationale supporting the Commission’s joint investigative and adjudicatory framework, these isolated writings are inadequate, standing alone, to warrant the complete abandonment of a long-held administrative practice.

{24} And despite Respondent’s protestations to the contrary, New Mexico case authorities such as *Reid v. New Mexico Board of Examiners in Optometry*, 1979-NMSC-005, 92 N.M. 414, 589 P.2d 198, and *New Mexico Board of Veterinary Medicine v. Riegger*, 2007-NMSC-044, 142 N.M. 248, 164 P.3d 947, provide no persuasive basis to depart from the teachings of *Seidenberg* and *Withrow* in the matter now before us. As explained below, neither *Reid* nor *Riegger* establishes any distinct feature of New Mexico law that would afford Respondent an expanded right to greater due process protections during disciplinary proceedings than *Seidenberg* and *Withrow* now provide.

{25} As Respondent would have it, “*Reid* calls for heightened vigilance against denials of due process in administrative settings,” in contrast to *Withrow*’s more permissive approach in entertaining what the United States Supreme Court described therein as a rebuttable “presumption of honesty and integrity in those serving as adjudicators.” *Withrow*, 421 U.S. at 47. Respondent further argues that since *Reid* was decided, this Court has favored its requirement that there need be “the appearance of complete fairness” in administrative proceedings, *Reid*, 1979-NMSC-005, ¶ 7, over *Withrow*’s above-stated “presumption of honesty and integrity,” *Withrow*, 421 U.S. at 47. But the only support Respondent offers for these assertions is *Riegger*, which held that allowing the Board of Veterinary Medicine’s recovery of costs for both the hearing officer who served the agency and the hearing room used by the agency would violate the accused veterinarian’s due process rights. See 2007-NMSC-044, 126. This Court in *Riegger* concluded that allowing the recovery of a hearing officer’s costs would create “a possibility that future licensees subject to disciplinary proceedings may objectively believe that hearing officers will be biased in order to be fully-compensated for their services.” *Id.* ¶ 30. The *Riegger* Court acknowledged that neither party had accused the hearing officer of bias and that the record demonstrated a lack of actual bias on the hearing officer’s part. *Id.* Nonetheless, the Court held

⁷ Confirmation bias has been defined as “bias that results from the tendency to process and analyze information in such a way that it supports one’s preexisting ideas and convictions.” Confirmation bias, Dictionary.com, <https://www.dictionary.com/browse/confirmation-bias> [<https://perma.cc/RE72-FD9Y>] (last visited June 2, 2026).

that the appearance of potential bias outweighed the *Withrow* “presumption of honesty and integrity in those [who serve as] adjudicators.” *Riegger*, 2007-NMSC-044, ¶ 30 (internal quotation marks and citation omitted). Thus, Respondent’s argument goes, *Riegger* demonstrates the Court’s preference for a more protective rule than *Seidenberg* and *Withrow* presently require.

{26} Respondent overstates the holdings in both *Reid* and *Riegger* in arguing that they support a higher standard of neutrality in administrative proceedings under Article II, Section 18. This Court’s prior analysis in each of the two cited cases is inapposite to the facts now before us and therefore is not binding here. Neither *Reid* nor *Riegger* spoke directly to the core structural issue litigated in this matter: how best to treat the combined investigative and adjudicative functions of the Commission. Instead, *Reid* primarily serves to illustrate the general rule that due process is violated when there is evidence that an adjudicator may have been biased, demonstrated by “a prejudicial statement” made by one of the board members that signaled “his bias and prejudgment of the issues.” *Reid*, 1979-NMSC-005, ¶¶ 5, 9. And *Riegger*, for its part, represents little more than a straightforward application of the age-old prohibition against a judge presiding over a matter in which the judge has a pecuniary interest in the outcome. *See, e.g., State ex rel. Hannah v. Armijo*, 1933-NMSC-087, ¶ 22, 38 N.M. 73, 28 P.2d 511 (“By the common law, the slightest pecuniary interest would disqualify a judge.”); *see also* Rule 21-211(A)(3) NMRA (requiring a judge to disqualify himself “in any proceeding [when]...[t]he judge knows that [they have]... an economic interest in the subject matter in controversy”).

{27} Neither *Reid* nor *Riegger* can be read to stray from the core rule articulated in *Seidenberg* and *Withrow* that, absent evidence of unconstitutional bias, the combination of investigative and adjudicatory functions in the administrative realm does not violate due process. We thus conclude that neither *Reid* nor *Riegger* is imbued with any distinctive state characteristics relevant to this case that would warrant an expansion of the due process provisions of Article II, Section 18 of our state Constitution.

{28} Having rejected Respondent's constitutional challenges to the Commission's disciplinary recommendation, we turn next to Respondent's alternative argument that even if he committed legal error as alleged—which he steadfastly refuses to concede—his actions did not rise to the level of willful misconduct subject to discipline. As will be shown below, this contention too must fail.

D. The Commission Properly Relied on the Series of Improper Case Dismissals Ordered by Respondent as a Basis for Discipline in This Case

{29} Respondent relies on the committee commentary to the “[i]mpartiality and fairness” requirement of the Code of Judicial Conduct contained in Rule 21-202 NMRA, which provides: “When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this rule.” That guidance, in Respondent’s view, is consistent with rulings from other jurisdictions that emphasize the importance of judicial independence and the freedom to make good-faith rulings, “free from extraneous considerations of punishment or reward.” *In re Curda*, 49 P.3d 255, 261 (Alaska 2002); *see also, e.g., Oberholzer v. Comm'n on Jud. Performance*, 975 P.2d 663, 680 (Cal. 1999) (“[A] judge must be free not only to make the correct ruling for proper reasons, but also to make an incorrect ruling, believing it to be correct.”).⁸ Respondent insists that reversal on appeal is the appropriate remedy for a judge’s

⁸ These citations, and their accompanying quotations, are taken directly from Respondent’s briefing to this Court. While the quotations are accurate, they do not represent the actual holdings of the cases from which they are taken.

legal error, not judicial discipline.

{30} The Commission, on the other hand, asserts in its petition seeking Respondent's removal from office that its disciplinary recommendation is not based on "mere legal mistakes." Instead, the Commission maintains that Respondent's repeated dismissal of cases on jurisdictional grounds at the preliminary arraignment stage of multiple proceedings and without a hearing, "despite repeated guidance from mentors, peers, and higher courts" to refrain from such conduct, "reflects intentional, repeated, and egregious legal error made in bad faith, clearly exceeding the threshold established by this Court and consistent with standards adopted in other jurisdictions." The Commission goes on to argue that discipline is warranted because Respondent engaged in a "pattern of defiance-rooted in a personal and expansive view of tribal boundaries rather than binding precedent-[that] demonstrates a willful disregard for the judge's duty to apply the law as it exists."

{31} Respondent's contention is foreclosed by *In re Locatelli*, 2007-NMSC-029, 16, 141 N.M. 755, 161 P.3d 252 (per curiam), a case in which this Court considered the respondent municipal judge's analogous argument that legal error presents a "question for the appellate courts" and "should not expose [the respondent] to discipline." The *In re Locatelli* Court disagreed, holding that legal error may support discipline when there is clear and convincing evidence that the alleged error amounted to "[w]illful misconduct in office[, which] is improper and wrong conduct of a judge acting in his official capacity done intentionally, knowingly, and, generally, in bad faith." *Id.* ¶¶ 7-8 (first alteration in original) (internal quotation marks and citation omitted). This Court clarified, however, that to constitute willful misconduct, the challenged conduct must be "more than a mere error of judgment or an act of negligence." *Id.* ¶ 8 (internal quotation marks and citation omitted). Applying that standard, the *In re Locatelli* Court rejected the recommendation for discipline based on the Commission's findings that the judge had improperly held two lawyers in contempt without a legal or factual basis. *Id.* ¶¶ 9, 11, 17. The Court held that the Commission's disciplinary recommendation was not supported by clear and convincing evidence in circumstances where the judge was, in fact, bestowed with the authority to hold the attorneys in contempt and the judge provided uncontradicted testimony that he had "researched what action he could take" under the circumstances and had "consulted with attorneys from the Municipal League and the Attorney General's Office" before taking action in holding the attorneys in contempt. *Id.* ¶¶ 13-16. That the judge charged the attorneys with contempt without procuring or reviewing the transcript of the district court proceedings served only to show that the judge had been negligent in his contempt rulings, a showing insufficient on its own to support a finding of willful misconduct. *Id.* ¶ 17.

{32} The reasoning employed by the *In re Locatelli* Court, while reaching a different result than that produced here, plainly endorses the Commission's ability to recommend discipline based on "improper and wrong conduct," including legal error, so long as the conduct rises to the level of willful misconduct. *Id.* ¶ 8 (internal quotation marks and citation omitted). As this Court made clear in *In re Rodella*, discipline is often imposed on judges based on their "patterns of behavior," 2008-NMSC-050, ¶ 35 (internal quotation marks and citation omitted), a conclusion buttressed by commentators and courts alike. See, e.g., Cynthia Gray, *The Line Between Legal Error and Judicial Misconduct: Balancing Judicial Independence and Accountability*, 32 Hofstra L. Rev. 1245, 1263-64 &

In *In re Curda*, for example, the Alaska Supreme Court ultimately held that "legal error that is neither willful nor part of a repeated pattern of misconduct is not an appropriate subject for discipline." 49 P.3d at 261. Similarly, the California Supreme Court in *Oberholzer* held as follows: "[A] judge who commits legal error which, in addition, clearly and convincingly reflects bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law, or any purpose other than the faithful discharge of judicial duty, is subject to investigation." 975 P.2d at 680 (citations omitted). Neither of these holdings is consistent with the blanket rule sought by Respondent in this case.

n.98 (2004) (recognizing that “most cases in which judicial error [is] elevated to the level of judicial misconduct involve[] more than one example of legal error”; that “a pattern is one of the identified exceptions to the ‘mere legal error’ rule”; and, citing *In re Holien*, 612 N.W.2d 789, 792-93 (Iowa 2000) (en banc), that “[j]udges have been sanctioned for patterns of...violating procedural requirements when conducting arraignments”).

{33} And considering Respondent’s choice in this case to forego any challenge to the Commission’s factual findings, we are left with a record that establishes Respondent’s habitual practice—often at arraignments and without the benefit of a hearing—of “routinely dismiss[ing] matters sua sponte ... if he [determined that] jurisdictional issues were present on the face of a complaint.” He did this “despite repeated guidance [to the contrary] from mentors, peers, and higher courts.”

{34} We emphasize that, as a general matter, “[t]he burden [is on the] defendant to demonstrate a lack of jurisdiction in the district court.” *State v. Cutnose*, 1974-NMCA-130, ¶¶ 4-7, 87 N.M. 307, 532 P.2d 896; see also, e.g., *State v. Verdugo*, 901 P.2d 1165, 1168 (Ariz. Ct. App. 1995) (“The majority of other courts addressing this issue have held that a defendant bears the burden to show facts that would establish an exception to the state court’s jurisdiction under the Indian Country Crimes Act.”). And such a determination demands an opportunity for the State to present evidence to support its case. See, e.g., *State v. Gomez*, 2003-NMSC-012, ¶7, 133 N.M. 763, 70 P.3d 753 (“[P]retrial dismissal under Rule 5-601(B) [NMRA] is inappropriate if the State could reasonably assert the availability of additional evidence.”); cf. Rule 6-305(A)(2) NMRA (“It shall be unnecessary for a complaint to contain the following allegations unless such allegations are necessary to give the defendant notice of the crime charged: ... place of the commission of the offense.”). Respondent’s repeated practice of dismissing cases at arraignment and without hearings constituted legal error that clearly and consistently rose to the level of willful misconduct. Stern discipline was in order. We turn next—and finally—to the question of the appropriate level of discipline warranted in this case, a question that stands “separate from the question of whether the evidence supports a determination that the judge’s actions constituted willful judicial misconduct.” *In re Castellano*, 1995-NMSC-007, ¶ 39.

E. Respondent’s Pattern of Willful Misconduct Was More than Sufficient to Warrant His Removal from Office

{35} Traditionally, this Court has “removed judges from the bench when their conduct threatened the integrity and independence of the judiciary.” *In re Rodella*, 2008-NMSC-050, ¶ 34, citing, *inter alia*, *In re Castellano*, 1995-NMSC-007, ¶ 40 (removing the judge because of a “pattern [of behavior that] adversely affected his reputation for impartiality, independence, and integrity”). The impetus to remove a judge from office for engaging in such a pattern of behavior is only heightened where, as the Commission found to be the case here, the judge wrongly shows not “remorse but demonstrated defiance [by] insisting that his interpretation of the law was correct” in offering “evasive” testimony determined not to be “credible.” As the *In re Rodella* Court reasoned:

In this case, we see a pattern of misconduct that was not corrected, but which increased in its seriousness, despite training and mentoring. In addition, we are deeply troubled by the Commission’s determination, which our independent review of the record supports, that Judge Rodella’s testimony lacked credibility. When a new judge, through lack of knowledge, experience or judgment, acts in ways that are inconsistent with [a judge’s] new role, we hope that such conduct can be corrected through discipline in the form of training, mentoring, and supervision. However, when a judge denies making mistakes, [the judge] cannot learn from the mistakes,

and there is little that can be done to correct the behavior. Under such circumstances, to allow a judge who is not truthful to remain on the bench betrays the public trust and threatens the integrity and independence of the judiciary as a whole...[W]e cannot allow a judge who lacks credibility to preside over cases in which he is charged with weighing evidence and determining the credibility of others.

2008-NMSC-050, ¶ 36 (internal quotation marks and citation omitted). The same rationale applies here.

II. CONCLUSION

{36} For the foregoing reasons, we conclude that Respondent committed willful misconduct in office and stand by our prior order directing his permanent removal from the bench.

FORMAL STIPULATED 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, the 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 attorney E. Nicole Manning filed a motion requesting you to do so. (See *State v. Ryana Martin*, M-59-DR-202400049) Ms. Manning'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 Defender, 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 agreement 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. The Commission filed its Report on Respondent's Completion of Terms of Supreme Court's Order on March 11, 2026. The Supreme Court issued an order on March 26, 2026, closing the matter.

FORMAL DISPOSITION AFTER A HEARING ON THE MERITS:

**In the Matter of Hon. 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 violated Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-204, and 21-205 NMRA of the Code of Judicial Conduct and 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 Court to accept the recommendation on November 18, 2024. Judge Griffin filed her response to the Petition recommending removal on December 12, 2024. The Court set the case for oral argument on April 24, 2025 after which a, the Supreme Court vacated the Commission's conclusions as to Count 1 and adopted the findings and conclusions as to Count 2 and its 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.

A final mentorship report was filed with the JSC on June 22, 2026, which was forwarded to the Supreme Court. Subsequent information will be included in the FY27 annual report.

FORMAL STIPULATED DISPOSITION:

**In the Matter of Hon. Marcos Salas
Guadalupe County Probate Court
JSC Inq. No. 2024-101
Supreme Court Docket No. S-1-SC-40502**

Judge Salas was placed on indefinite administrative leave per the Supreme Court's power of superintending control on July 24, 2024. The Commission filed a Petition for Immediate Temporary Suspension Without Pay and a Notice of Formal Proceedings on July 30, 2024. Judge Salas filed his response to the July 30, 2024, Notice of Formal Proceedings on August 15, 2024. An Amended Notice of Formal Proceedings was filed on August 15, 2025, and contained the following charge:

On or about July 19, 2024, you were arrested and charged with Criminal Sexual Contact of a Minor in the 3rd degree (Person in Position of Authority) pursuant to Section 30-9-1 NMSA, for inappropriate touching of a minor on a school campus.

Judge Salas stipulated to immediate temporary suspension without pay and the petition to accept the Stipulation to Immediate Temporary Suspension Without Pay was filed with the Supreme Court on August 16, 2024. The Supreme Court entered its Order Accepting the Stipulation on September 4, 2024. Judge Salas stipulated to permanent resignation on September 9, 2025, and the Commission filed its Petition to Accept Stipulation to Permanent Resignation from Judicial Office on September 11, 2025. On October 24, 2025, the Supreme Court approved the Stipulation and granted the Petition.

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

Matter of Detsoi, S-1-SC-40574

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 2026, the State Legislature appropriated \$1,229,900.00 to the Commission from the general fund for salary and benefits, operations, investigation, dispositions and hearings. The FY 2026 Commission expenditures totaled \$1,227,368.23 from the General Fund. A summary (by category) of the expenditures is provided below.

FY 2026 EXPENDITURES FROM THE GENERAL FUND

DESCRIPTION	AMOUNT	PERCENTAGE
Employee Compensation	\$749,710.75	61.08%
Employee Benefits & Taxes	\$324,862.24	26.47%
Employee/Board Training & Licensing	\$17,076.01	1.39%
Commission Travel	\$8,127.00	.662%
Contractual Services	\$14,138.95	1.15%
Rent, Telecom, IT & Overhead	\$97,142.32	7.92%
Equipment, Supplies & Postage	\$6,843.98	.557%
Subscriptions	\$9,466.98	.771%
TOTAL	\$1,227,368.23	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 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. The JSC does not request reimbursement of costs.

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.

FY 2026 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2026 Final Approved Budget	\$ 1,229,900.00	
Total FY 2026 General Fund Expenditures		\$ (1,227,368.23)
FY 2026 General Fund Appropriations Reverted		\$ (2,561)
Total Expenditures and Reversion		\$ 1,229,900.00

AGENCY HISTORICAL 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%
2026	1,229,900.00	1,227,368.23	2,561	0.00	.997%