



**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

6200 UPTOWN BLVD. NE, SUITE 340
ALBUQUERQUE, NEW MEXICO 87110-4159
WWW.NMJSC.ORG | (505) 222-9353

PHYLLIS A. DOMINGUEZ
Executive Director &
General Counsel

MARCUS BLAIS
Investigative Trial Counsel

REBECCA RALPH
Investigative Trial Counsel

September 1, 2025

Mario Semiglia
Senior Budget Analyst
DFA State Budget Division
Bataan Memorial Building, Room 190
407 Galisteo
Santa Fe, NM 87501

Henry Jacobs
Legislative Analyst
Legislative Finance Committee
325 Don Gaspar, Suite 101
Santa Fe, NM 87501

Re: *FY 27 Appropriation Request*

Dear Mr. Semiglia and Mr. Jacobs:

Enclosed is our agency's FY 2027 Appropriation Request. This letter serves to address the main areas outlined in the FY 2027 Appropriation Request Instructions.

We are requesting a \$357,300 overall increase over the FY26 budget which includes an increase in all three categories. The request includes an additional \$41,004 in health care benefits for current staff due to the passage of SB376, \$500 in PERA rates for current staff and \$200.00 in current staff FICA. Also, included in the request is funding for one (1) vacant paralegal position totaling \$81,363, a new FTE request for an HR Administrator totaling \$72,341 and a new FTE request for a JSC Attorney totaling \$129,053 to include all salaries and benefits. The 300 category has an increase of \$1,400 and the 400 category an increase of \$32,300 which are detailed below.

In order to keep our request focused on the FTE needs, the JSC has decreased individual line items where possible and reallocated those funds into line items in which there were projected increases.

Details of any base budget increases that are required to maintain services at a FY 2026 funding level. The agency increased the 200 Category by \$323,600 above its FY26 operating budget to fund current staff salaries and benefits, to include the increase of \$41,004 due to passage of SB376 and the change to healthcare benefits, \$500 in PERA and \$200.00 in FICA for current staff, as well as a



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funding request of \$282,757 to fund a vacant Paralegal position, a new FTE for an HR Administrator and a new FTE for a JSC Attorney.

The number of complaints filed with the Judicial Standards Commission more than doubled in FY25. This increase is attributed to the accessibility of litigants, attorneys, and members of the public to file complaints online through the JSC's website. The Commission received 350 complaints in FY25, an increase of 181 complaints from FY24. Fiscal year 2026 is on track to exceed the 350 complaints filed in FY25 and the JSC anticipates that the number of complaints will continue to grow in FY27 due to the public's ease of access to file complaints online and without notary costs.

Every complaint is thoroughly investigated by JSC staff. Research is conducted, evidence is gathered, and interviews may be conducted to either substantiate the allegations or find the allegations unsubstantiated under the tenets of the Code of Judicial Conduct. Staff prepares a report on each complaint pursuant to the investigation which is then presented to the Commissioners who either offer the judges an informal disposition or make recommendations of formal discipline to the NM Supreme Court. This means that all complaints received by the JSC must be investigated by staff even if the allegations in the complaint are found to be unsubstantiated.

Due to the increase in complaints, the JSC needs additional staff, which includes a new FTE for a JSC Attorney and to fill an unfunded paralegal position. These positions are crucial to assist overworked staff attorneys in their investigation and in the processing of complaints before the Commission. Currently JSC has one (1) paralegal that supports the JSC's two (2) staff attorneys and who also supports the Executive Director. Without the additional positions the JSC will not be able to timely perform its constitutionally mandated duties.

Another increase of 51% increase in our case load without additional staff will make it difficult to process complaints in a timely manner and result in delay for disposition for the complainant and judge. This delay will directly impact the imposition of a recommended disposition/discipline to judges who may need training, mentoring, removal or cases that should be dismissed may stay open for a longer period of time than necessary.

The JSC saw an increase in Hearings on the Merits (trials) as well in FY25, which is directly related to the number of complaints received. Three trials, which included 13 cases, were held over the course of the fiscal year and totaled 11 days. Due to the seriousness and potential harm to the public, all three judges were temporarily suspended and not on the bench until the completion of their trials. JSC has 2 staff attorneys responsible for investigations and presentation of the case to include all evidence, witnesses and recommendations for discipline to the Commission as well as presenting oral arguments to the Supreme Court. The 51% increase in complaints and holding more trials results in cases taking longer to reach a disposition. This means the judges are potentially off the bench for an extended period of time, where either another judge must carry their workload, or a Pro Tempore judge is hired, or a delay in the judge receiving training, mentorships or even removal is delayed.



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Additional staff will decrease this delay.

The JSC has also requested a new FTE and funding for an HR Administrator. JSC is a constitutionally created independent agency that promulgates its own rules, policies and procedures. Due to this and the growing responsibilities of the HR role, JSC needs to have its own independent HR Administrator. The JSC has been fortunate to rely in the past on the AOC and Supreme Court to assist in this area when needed. However, the JSC is an independent agency and involving another entity to assist with JSC HR matters could result in liability to that entity. Therefore, this position must be fully funded and housed at the JSC. The JSC has requested midpoint and the minimal amounts possible to fund these new staffing requests.

The 300 category was increased by \$1,400 due to published GSD rate costs for the JSC's audit.

The 400 category was increased by \$32,300, however the JSC was able to offset other potential increases from adjusting other line-items. The line-item changes are due to a 2% rent escalator of \$1,200 and a \$21,000 increase in rent to house the three (3) new positions, \$5,500 for office furniture for the 3 new FTE, more accurate projections of mileage and per diem for Commission meals and lodging expenses, an increase in the IT agreements (\$5,000) due to quotes from RealTime Solutions for maintenance of the JSC website and costs of Adobe Acrobat licenses for the current staff.

Summary of Significant Changes in Projected Expenditures by Line Item. Please see the following:

520100 Exempt Perm. This category includes current salaries of \$750,500, and an increase of \$199,200 to include \$57,000 for the unfunded Paralegal, \$50,000 for the HR Administrator and \$94,000 for the Attorney position for a total of \$951,500 in salaries.

521100 Group Insurance Premium. This category includes an increase of \$41,004 to fund current staff healthcare benefits due to the passage of SB376 and \$23,688 (7,896 each new position) to fund the Paralegal, HR Administrator and Attorney position at the lowest insurance rate, even though it has been our experience the rates come in a lot higher.

521200 PERA. This category includes an increase of \$39,100 to include \$10,967 for the Paralegal, \$9,620 for the HR Administrator and \$18,086 for the Attorney in PERA projections solely due to the addition of the positions.

521300 FICA. This category includes an increase of \$200.00 for current staff rates and an increase of \$15,385 to include \$4,369 for the Paralegal, \$3,825 for the HR Administrator and \$7,191 for the Attorney positions.



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521700 RHC Contributions. This category includes an increase of \$3,940 to include \$1,140 for Paralegal, \$1,000 for HR Administrator and \$1,800 for the Attorney position in RHC and solely due to the addition of the positions.

300 Category Changes. This category increased by \$1,400 overall due to audit rate increases. This category provides funding for professional service contracts to include microfilming of permanent JSC records, drug testing, appointment of guardians ad litem, independent psychological examinations and physical medical examinations of judges, as well as IT contract services for all the JSC IT needs to include maintenance and website.

535400 Audit. This category increased as these are published rates provided by DFA. This increase cannot be pulled from any other line item.

400 Category Changes. This category increased by \$32,300 overall. Appropriations were moved between account codes to better reflect projected expenditures by line item, which is an overall budget increase request of \$5,800 base and an additional \$26,500 base for new office space and furniture for the requested 3 new FTE. The line items with significant changes in the \$5,800 total are Board and Commission member meals and lodging, IT agreements and a 2% rent escalator. The \$26,500 is in the rent (\$21,000) for additional space and furniture/fixtures (\$5,500.)

542300 Board and Commission Meals and Lodging. This category increases by \$2,400 to more accurately reflect expenses in this category and projections for FY27 and was offset by decreasing another line item.

543830 IT Agreements. This category increased \$5,000.00 due to quotes received by RealTime Solutions for maintenance costs for the JSC website and quotes for Adobe Acrobat for current staff. These IT needs are vital to the JSC and its processes as most complaints are received via on-line submission through the website and this needs to be maintained. JSC staff and Commission members use Adobe Acrobat Professional to process all of its permanent retention case records as well as the Commission packet which includes all the reports and supporting documentation for the Commission's review. JSC could not operate without this license.

546400 Rent/Building/Land. This category was increased by \$1,200 due to 2% escalator in lease agreement as well as \$21,000 to house the 3 new positions as there is no space in the current office in which JSC holds a lease and must take on additional space.

546700 Subscriptions and Dues. This category decreased due to projected costs in FY27. The decrease was used to fully fund other line-items and not have to request additional funds.

548200 Furniture/Fixtures. This category request includes \$5,500 for office furniture for the 3 new positions (based upon rates for office furniture purchased in FY24).



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Identification of Significant Projected Funding Shortages and Impact on Agency's Ability to Meet Primary Mission.

JSC has no vacancy savings as all 7 funded FTE are filled. Projections in the 200 category with an overall increase of \$323,600 will cover all salary and benefits costs for current staff as well as \$282,700 to fund a vacant Paralegal position and 2 new FTE of an HR Administrator and JSC Attorney due to the 51% increase in filed complaints and growth in the workload. The JSC needs an HR Administrator to perform all functions from payroll, time approvals, new hires, job classifications and descriptions, workers compensation, policies and procedure suggestions to the ED as well as all other very specific and law related HR needs of the agency.

The 400 category overall increase of \$32,300 of which \$26,500 is directly related to the new FTEs, is needed as the Commission must pay for meals and lodging for its Commission members to attend board meetings, to attend Hearings on the Merits (trials) which could be set up to a week in length and carry out its constitutional duties. The IT needs of the agency cannot be pulled from other line items and are necessary expenses to perform staff's job duties. The JSC will also need additional office space and furniture for the 3 new positions as there is no space in the current office, in which JSC has a lease until at the minimum of June 30, 2028, and must take on additional space.

Proposed Changes in Program Structure and/or Realignment of Agency Resources to Address Critical or Emerging Needs. There are no changes to our program as defined by the NM Constitution and our program has not and will not change absent an amendment to the NM Constitution and approval by the voters.

We greatly appreciate your time and consideration in this matter. If you have any questions, please contact us.

Very truly yours,

Phyllis Dominguez

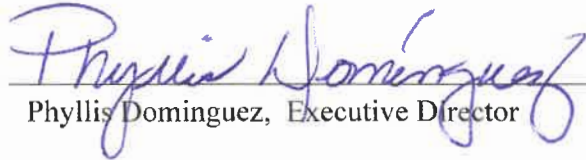
PHYLLIS A. DOMINGUEZ
Executive Director
General Counsel

**APPROPRIATION REQUEST
CERTIFICATION
FORM S-1**

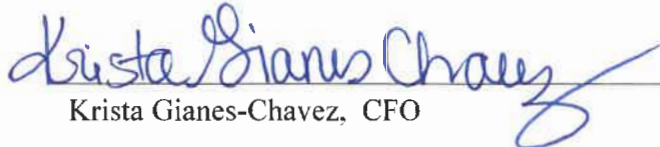
Agency Name: Judicial Standards Commission

Business Unit: 21000

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.


Phyllis Dominguez, Executive Director


William E. Foote, Ph.D., Chair


Krista Ganes-Chavez, CFO

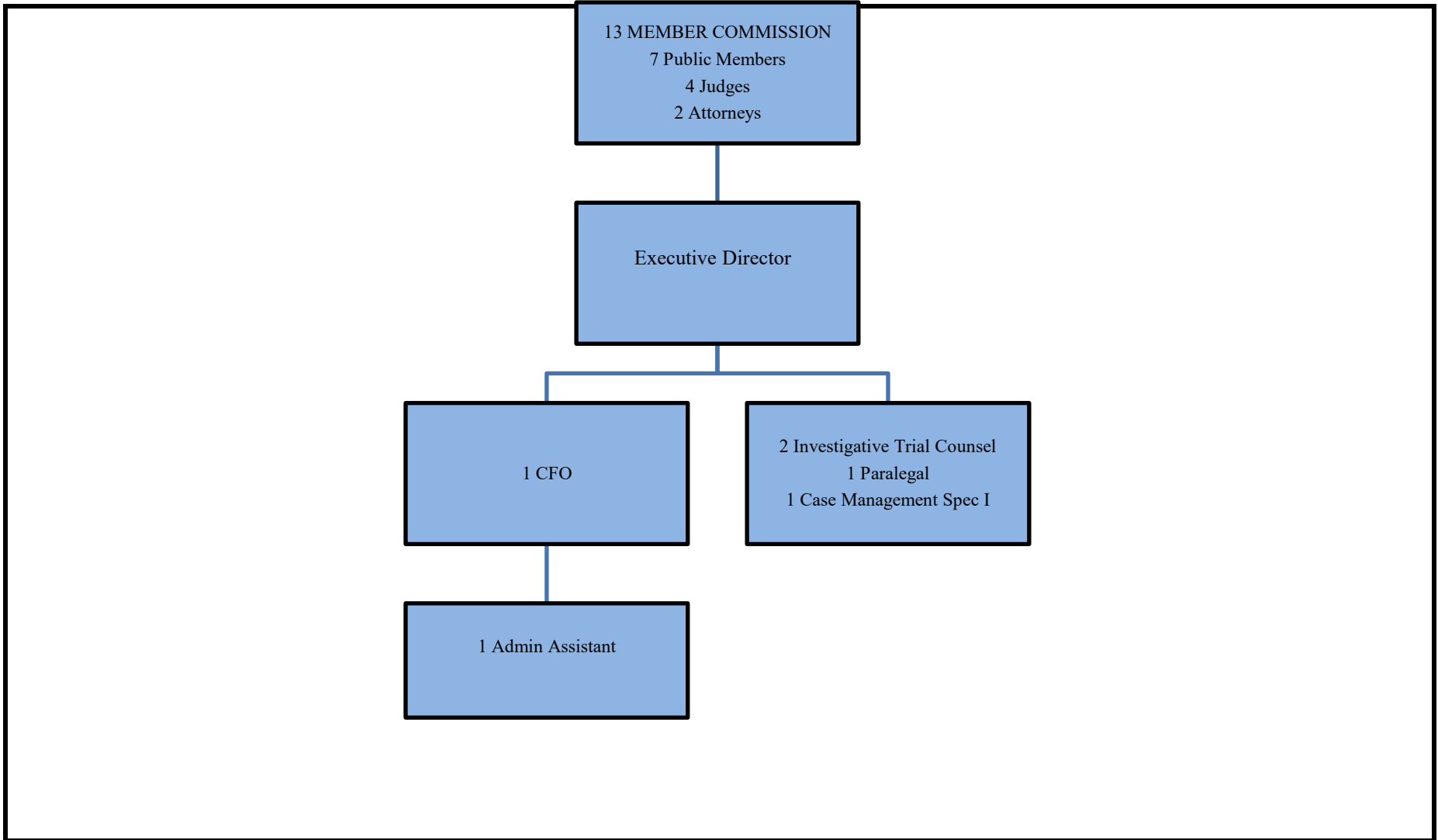
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~~kgianes@nmjsc.org~~

Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.

ORGANIZATION CHART



S-8 Financial Summary

(Dollars in Thousands)

BU PCode Department
21000 0000 0000000000

	2024-25 Opbud	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	Base	----- FY 2027 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	1,142.4	1,112.6	1,201.1	0.0	1,558.4	0.0	1,558.4
112 Other Transfers	0.0	29.8	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	1,142.4	1,142.4	1,201.1	0	1,558.4	0.0	1,558.4
REVENUE	1,142.4	1,142.4	1,201.1	0	1,558.4	0.0	1,558.4
EXPENSE							
200 Personal services and employee benefits	992.9	983.1	1,040.5	1,222.4	1,364.1	0.0	1,364.1
300 Contractual services	28.0	25.3	28.5	0.0	29.9	0.0	29.9
400 Other	121.5	128.5	132.1	0.0	164.4	0.0	164.4
EXPENDITURES	1,142.4	1,136.8	1,201.1	1,222.42	1,558.4	0.0	1,558.4
EXPENSE	1,142.4	1,136.8	1,201.1	1,222.42	1,558.4	0.0	1,558.4
FTE POSITIONS							
810 Permanent	7.00	0.00	7.00	8.00	3.00	0.00	3.00
FTEs	7.00	0.00	7.00	8.00	3.00	0.00	3.00
FTE POSITIONS	7.00	0.00	7.00	8.00	3.00	0.00	3.00

BU PCode Department
21000 0000 0000000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2024-25	2024-25	2025-26	2026-27	----- FY 2027 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation	1,142.4	1,112.6	1,201.1	0.0	1,558.4	0.0	1,558.4
111	General Fund Transfers	1,142.4	1,112.6	1,201.1	0.0	1,558.4	0.0	1,558.4
499905	Other Financing Sources	0.0	29.8	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	29.8	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		1,142.4	1,142.4	1,201.1	0	1,558.4	0.0	1,558.4
520100	Exempt Perm Positions P/T&F/T	706.0	704.5	752.3	862.9	951.5	0.0	951.5
521100	Group Insurance Premium	78.5	74.1	70.0	123.1	134.7	0.0	134.7
521200	Retirement Contributions	136.4	135.6	143.9	165.4	183.0	0.0	183.0
521300	F I C A	54.3	50.9	57.2	53.3	72.8	0.0	72.8
521400	Workers' Comp Assessment Fee	0.1	0.1	0.2	0.0	0.1	0.0	0.1
521410	GSD Work Comp Insur Premium	0.0	0.2	0.2	0.0	0.2	0.0	0.2
521600	Employee Liability Ins Premium	3.5	3.5	1.7	0.0	2.8	0.0	2.8
521700	RHC Act Contributions	14.1	14.1	15.0	17.7	19.0	0.0	19.0
200	Personal services and employee benef	992.9	983.1	1,040.5	1,222.4	1,364.1	0.0	1,364.1
535100	Medical Services	2.0	0.0	2.0	0.0	2.0	0.0	2.0
535200	Professional Services	3.0	7.7	3.0	0.0	3.0	0.0	3.0
535300	Other Services	0.0	0.6	0.0	0.0	0.0	0.0	0.0
535400	Audit Services	9.0	6.4	9.5	0.0	10.9	0.0	10.9
535600	IT Services	14.0	10.5	14.0	0.0	14.0	0.0	14.0
300	Contractual services	28.0	25.3	28.5	0.0	29.9	0.0	29.9
542100	Employee I/S Mileage & Fares	0.5	0.3	0.5	0.0	0.5	0.0	0.5
542200	Employee I/S Meals & Lodging	0.5	0.2	0.5	0.0	0.5	0.0	0.5
542300	Brd & Comm Mbr Meals & Lodging	4.0	8.9	6.5	0.0	8.9	0.0	8.9
542310	Brd & Comm Mbr Mileage & Fares	6.5	4.7	4.7	0.0	4.7	0.0	4.7
542800	State Transp Pool Charges	0.1	0.1	0.1	0.0	0.1	0.0	0.1
543300	Maint - Buildings & Structures	0.0	1.8	0.0	0.0	0.0	0.0	0.0
543400	Maint - Property Insurance	0.1	0.0	0.0	0.0	0.0	0.0	0.0
543500	Maint - Supplies	0.0	0.8	0.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	10.0	11.4	9.0	0.0	14.0	0.0	14.0
544000	Supply Inventory IT	2.0	10.6	2.0	0.0	2.0	0.0	2.0
544100	Supplies-Office Supplies	2.5	2.2	2.5	0.0	2.5	0.0	2.5
544400	Supplies-Field Supplies	0.0	0.9	0.0	0.0	0.0	0.0	0.0
544900	Supplies-Inventory Exempt	1.4	0.0	1.4	0.0	0.0	0.0	0.0

BU PCode Department
21000 0000 0000000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2024-25	2024-25	2025-26	2026-27	----- FY 2027 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
545600	Reporting & Recording	2.0	1.7	2.0	0.0	2.0	0.0	2.0
545710	DOIT HCM Assessment Fees	3.3	2.3	2.8	0.0	2.8	0.0	2.8
546100	Postage & Mail Services	0.5	1.3	1.0	0.0	1.0	0.0	1.0
546400	Rent Of Land & Buildings	56.6	57.8	57.7	0.0	79.9	0.0	79.9
546500	Rent Of Equipment	3.5	1.4	2.0	0.0	1.4	0.0	1.4
546600	Communications	2.7	3.0	2.7	0.0	3.0	0.0	3.0
546610	DOIT Telecommunications	10.2	6.1	6.7	0.0	7.3	0.0	7.3
546700	Subscriptions/Dues/License Fee	5.5	5.3	7.0	0.0	5.3	0.0	5.3
546800	Employee Training & Education	2.0	2.1	2.0	0.0	2.0	0.0	2.0
546810	Board Member Training	2.5	0.0	2.5	0.0	2.5	0.0	2.5
547900	Miscellaneous Expense	0.0	0.1	0.0	0.0	0.0	0.0	0.0
548200	Furniture & Fixtures	0.0	0.0	0.0	0.0	5.5	0.0	5.5
549600	Employee O/S Mileage & Fares	2.5	1.9	3.0	0.0	3.0	0.0	3.0
549700	Employee O/S Meals & Lodging	2.6	3.6	4.0	0.0	4.0	0.0	4.0
549800	Brd & Comm O/S Mileage & Fares	0.0	0.0	6.5	0.0	6.5	0.0	6.5
549900	Brd & Comm O/S Meals & Lodging	0.0	0.0	5.0	0.0	5.0	0.0	5.0
400	Other	121.5	128.5	132.1	0.0	164.4	0.0	164.4
TOTAL EXPENSE		1,142.4	1,136.8	1,201.1	1,222.42	1,558.4	0.0	1,558.4
810	Permanent	7.00	0.00	7.00	8.00	3.00	0.00	3.00
810	Permanent	7.00	0.00	7.00	8.00	3.00	0.00	3.00
TOTAL FTE POSITIONS		7.00	0.00	7.00	8.00	3.00	0.00	3.00

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

BusUnit	Line Item	2024-25	2025-26	Request		Recommendation		Opbud	
		Actuals	Opbud	Base	Expansion	Base	Expansion		
21000	P210-R	Judicial Standards Commission							
	520100	Exempt Perm Positions P/T&F/T	704.55	752.3	951.5	0	0	0	0.0
	521100	Group Insurance Premium	74.14	70	134.7	0	0	0	0.0
	521200	Retirement Contributions	135.56	143.9	183	0	0	0	0.0
	521300	F I C A	50.92	57.2	72.8	0	0	0	0.0
	521400	Workers' Comp Assessment Fee	0.06	0.2	0.1	0	0	0	0.0
	521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0	0	0	0.0
	521600	Employee Liability Ins Premium	3.54	1.7	2.8	0	0	0	0.0
	521700	RHC Act Contributions	14.09	15	19	0	0	0	0.0
	535100	Medical Services	0	2	2	0	0	0	0.0
	535200	Professional Services	7.73	3	3	0	0	0	0.0
	535300	Other Services	0.62	0	0	0	0	0	0.0
	535400	Audit Services	6.4	9.5	10.9	0	0	0	0.0
	535600	IT Services	10.51	14	14	0	0	0	0.0
	542100	Employee I/S Mileage & Fares	0.28	0.5	0.5	0	0	0	0.0
	542200	Employee I/S Meals & Lodging	0.19	0.5	0.5	0	0	0	0.0
	542300	Brd & Comm Mbr Meals & Lodgin	8.95	6.5	8.9	0	0	0	0.0
	542310	Brd & Comm Mbr Mileage & Fares	4.69	4.7	4.7	0	0	0	0.0
	542800	State Transp Pool Charges	0.11	0.1	0.1	0	0	0	0.0
	543300	Maint - Buildings & Structures	1.84	0	0	0	0	0	0.0
	543500	Maint - Supplies	0.77	0	0	0	0	0	0.0
	543830	IT HW/SW Agreements	11.37	9	14	0	0	0	0.0
	544000	Supply Inventory IT	10.63	2	2	0	0	0	0.0
	544100	Supplies-Office Supplies	2.24	2.5	2.5	0	0	0	0.0
	544400	Supplies-Field Supplies	0.93	0	0	0	0	0	0.0
	544900	Supplies-Inventory Exempt	0	1.4	0	0	0	0	0.0
	545600	Reporting & Recording	1.69	2	2	0	0	0	0.0
	545710	DOIT HCM Assessment Fees	2.3	2.8	2.8	0	0	0	0.0
	546100	Postage & Mail Services	1.3	1	1	0	0	0	0.0
	546400	Rent Of Land & Buildings	57.77	57.7	79.9	0	0	0	0.0
	546500	Rent Of Equipment	1.35	2	1.4	0	0	0	0.0
	546600	Communications	3.01	2.7	3	0	0	0	0.0
	546610	DOIT Telecommunications	6.06	6.7	7.3	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

				546700	Subscriptions/Dues/License Fee	5.32	7	5.3	0	0	0	0.0
				546800	Employee Training & Education	2.14	2	2	0	0	0	0.0
				546810	Board Member Training	0	2.5	2.5	0	0	0	0.0
				547900	Miscellaneous Expense	0.14	0	0	0	0	0	0.0
				548200	Furniture & Fixtures	0	0	5.5	0	0	0	0.0
				549600	Employee O/S Mileage & Fares	1.9	3	3	0	0	0	0.0
				549700	Employee O/S Meals & Lodging	3.57	4	4	0	0	0	0.0
				549800	Brd & Comm O/S Mileage & Fares	0	6.5	6.5	0	0	0	0.0
				549900	Brd & Comm O/S Meals & Lodgin	0	5	5	0	0	0	0.0
Subtotal for:	21000	P210-R	Judicial Standards Commission			1,136.85	1,201.1	1,558.4	0	0	0	0.0
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21000						1,136.85	1,201.1	1,558.4	0	0	0	0.0

Totals by Line Item

BusUnit	Line Item	2024-25	2025-26	Request		Recommendation		Opbud	
		Actuals	Opbud	Base	Expansion	Base	Expansion		
21000	520100	Exempt Perm Positions P/T&F/T	704.55	752.3	951.5	0	0	0	0.0
	521100	Group Insurance Premium	74.14	70	134.7	0	0	0	0.0
	521200	Retirement Contributions	135.56	143.9	183	0	0	0	0.0
	521300	F I C A	50.92	57.2	72.8	0	0	0	0.0
	521400	Workers' Comp Assessment Fee	0.06	0.2	0.1	0	0	0	0.0
	521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0	0	0	0.0
	521600	Employee Liability Ins Premium	3.54	1.7	2.8	0	0	0	0.0
	521700	RHC Act Contributions	14.09	15	19	0	0	0	0.0
	535100	Medical Services	0	2	2	0	0	0	0.0
	535200	Professional Services	7.73	3	3	0	0	0	0.0
	535300	Other Services	0.62	0	0	0	0	0	0.0
	535400	Audit Services	6.4	9.5	10.9	0	0	0	0.0
	535600	IT Services	10.51	14	14	0	0	0	0.0
	542100	Employee I/S Mileage & Fares	0.28	0.5	0.5	0	0	0	0.0
	542200	Employee I/S Meals & Lodging	0.19	0.5	0.5	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

542300	Brd & Comm Mbr Meals & Lodging	8.95	6.5	8.9	0	0	0	0.0
542310	Brd & Comm Mbr Mileage & Fares	4.69	4.7	4.7	0	0	0	0.0
542800	State Transp Pool Charges	0.11	0.1	0.1	0	0	0	0.0
543300	Maint - Buildings & Structures	1.84	0	0	0	0	0	0.0
543500	Maint - Supplies	0.77	0	0	0	0	0	0.0
543830	IT HW/SW Agreements	11.37	9	14	0	0	0	0.0
544000	Supply Inventory IT	10.63	2	2	0	0	0	0.0
544100	Supplies-Office Supplies	2.24	2.5	2.5	0	0	0	0.0
544400	Supplies-Field Supplies	0.93	0	0	0	0	0	0.0
544900	Supplies-Inventory Exempt	0	1.4	0	0	0	0	0.0
545600	Reporting & Recording	1.69	2	2	0	0	0	0.0
545710	DOIT HCM Assessment Fees	2.3	2.8	2.8	0	0	0	0.0
546100	Postage & Mail Services	1.3	1	1	0	0	0	0.0
546400	Rent Of Land & Buildings	57.77	57.7	79.9	0	0	0	0.0
546500	Rent Of Equipment	1.35	2	1.4	0	0	0	0.0
546600	Communications	3.01	2.7	3	0	0	0	0.0
546610	DOIT Telecommunications	6.06	6.7	7.3	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	5.32	7	5.3	0	0	0	0.0
546800	Employee Training & Education	2.14	2	2	0	0	0	0.0
546810	Board Member Training	0	2.5	2.5	0	0	0	0.0
547900	Miscellaneous Expense	0.14	0	0	0	0	0	0.0
548200	Furniture & Fixtures	0	0	5.5	0	0	0	0.0
549600	Employee O/S Mileage & Fares	1.9	3	3	0	0	0	0.0
549700	Employee O/S Meals & Lodging	3.57	4	4	0	0	0	0.0
549800	Brd & Comm O/S Mileage & Fares	0	6.5	6.5	0	0	0	0.0
549900	Brd & Comm O/S Meals & Lodging	0	5	5	0	0	0	0.0
Grand Total		1,136.85	1,201.1	1,558.4	0	0	0	0.0

Program Description:

The Judicial Standards Commission (JSC") is the ethics agency for the state's judicial branch of government and was created 58 years ago by constitutional amendment (Art. VI, Sec. 32). The JSC has jurisdiction to investigate complaints of willful misconduct of judges, persistent failure or inability of judges to perform the duties of office, habitual intemperance of judges or disability of judges which is, or is likely to be, permanent and seriously interferes with a judge's performance of the duties of office. The Commission's jurisdiction extends over all New Mexico's justices and judges (Probate Courts, Municipal Courts, Magistrate Courts, Metropolitan Courts, District Courts, Court of Appeals, and Supreme Court) and may recommend to the New Mexico Supreme Court the discipline, removal, or retirement of a justice or judge.

Primary Services

- 1) Receiving, reviewing, investigating, and disposing of complaints of misconduct or permanent disability concerning justices or judges. These services include travel throughout NM to conduct investigations and witness interviews, reviewing court files, obtaining transcripts and audio and video recordings, conducting informal confidential conferences and conducting regular Commission meetings (six times a year) as well as Hearings on the Merits (Trials), to determine whether credible evidence exists to support allegations of misconduct;
- 2) Conducting Informal Confidential Conferences between judges and the Commission. The purpose of the conference is to give judges an opportunity to discuss and explain their response to a Notice of Investigation, give the Commission the opportunity to ask questions and further discuss the allegations and the judge's response, and to explore options for an early disposition;
- 3) Conducting formal investigations and advanced factual and legal research and evidence gathering into misconduct or disability allegations. Conducting Hearings on the Merits (trials) on cases that are not dismissed or where a stipulation to informal or formal disposition has not been reached. The investigation costs include paying for all witness expenses such as overnight stays and mileage reimbursement (witnesses may have to travel from locations throughout NM), as well as paying for overnight stays, reimbursement for mileage and per diem for thirteen (13) members of the Commission;
- 4) Petitioning the NM Supreme Court for Immediate Temporary Suspension of judges, or other interim relief;
- 5) Compelling judges in disability cases to submit to independent medical or psychological examinations, or drug/alcohol/substance abuse testing. Appointing guardians ad litem for judges when the Supreme Court or the Commission has determined, a judge may be incapable for any reason to understand or present a defense in the case before the Commission. Expenses incurred for Commission ordered testing or for appointment of a guardian ad litem are paid out of the Commission's budget;
- 6) Hiring speech and language interpreters for witnesses and parties in Commission proceedings;
- 7) Hiring experts to testify particularly in medical or psychological cases;
- 8) Hiring court reporters for depositions; and
- 9) Speaking at judicial conferences to educate judges, court staff, attorneys, and the public at local, state, regional, and national conferences throughout the year concerning judicial conduct, ethics, JSC rules, and the effective investigation and prosecution of judicial disciplinary cases and speaking to and educating attorneys from different countries on the JSC's processes, procedures and rules.

Major Issues and Accomplishments:

Issues-The number of complaints filed with the JSC more than doubled in FY25. This increase is attributed to the accessibility of litigants, attorneys, and members of the public to file complaints online through the JSC's website. The Commission received 350 complaints in FY25, an increase of 181 complaints from FY24. Fiscal year 2026 is on track to exceed the 350 complaints filed in FY25 and the JSC anticipates the number of complaints will continue to grow in FY27 due to the public's ease of access and the ability to file complaints on-line without notary costs. Every complaint is thoroughly investigated by the JSC staff. Research is conducted, evidence is gathered, and interviews may be conducted to either substantiate the allegations or find the allegations unsubstantiated under the tenets of the Code of Judicial Conduct. Staff prepares a report on each complaint pursuant to the investigation which is then presented to the Commissioners who make recommendations of informal discipline and formal

discipline to the NM Supreme Court. This means that all complaints received by the JSC must be investigated by staff even if the allegations in the complaint are found to be unsubstantiated.

Due to the increase in complaints, the JSC needs additional staff, which includes a JSC Attorney and to fill an unfunded paralegal position. These positions are crucial to assist overworked staff attorneys in their investigation and in the processing of complaints before the Commission. Currently JSC has one (1) paralegal that supports two (2) staff attorneys and also supports the Executive Director. Without the additional positions the JSC will not be able to timely perform its constitutionally mandated duties.

Another increase of 51% in our case load without additional staff will make it difficult to process complaints in a timely manner and result in delays for disposition for the complainant and judge. This delay will directly impact the imposition of a recommended disposition/discipline to judges who may need training, mentoring, removal or cases that should be dismissed may stay open for a longer period of time than necessary.

The JSC saw an increase in Hearings on the Merits (trials) as well in FY25, which is directly related to the number of complaints received. Three trials, which included 13 cases, were held over the course of the fiscal year and totaled 11 days. Due to the seriousness and potential harm to the public, all three judges were temporarily suspended from the bench until the completion of their trials. JSC has 2 staff attorneys responsible for investigations and presentation of the case to include all evidence, witnesses and recommendations for discipline to the Commission as well as presenting oral arguments to the Supreme Court. The 51% increase in complaints and holding more trials results in cases taking longer to reach a disposition. This means the judges are potentially off the bench for an extended period of time, where either another judge must carry their workload, or a Pro Tempore judge is hired, or a delay in the judge receiving training, mentorships or even removal is delayed. Additional staff will decrease this delay.

The JSC has also requested a new FTE and funding for an HR Administrator. JSC is a constitutionally created independent agency that promulgates its own rules, policies and procedures. Due to this and the growing responsibilities of the HR role, JSC needs to have its own independent HR Administrator. The JSC has been fortunate to rely in the past on the AOC and Supreme Court to assist in this area when needed. However, the JSC is an independent agency and involving another entity to assist with JSC HR matters could result in liability to that entity. Therefore, this position must be fully funded and housed at the JSC. The JSC has requested midpoint and the minimal amounts possible to fund these new staffing requests.

ACCOMPLISHMENTS

In FY25 the Commission received 350 written complaints. The Commission concluded 319 cases in FY25.

Of the 319 complaints concluded at the end of FY25, the Commission found grounds to recommend/negotiate for the removal, retirement or resignation from judicial office of two (2) judges in four (4) cases. The Commission also conducted three (3) Hearings on the Merits (trials) and held four (4) Informal Confidential Conferences. Additionally, three (3) cases were disposed of because the judges retired during an active investigation. Two (2) judges were issued public censures, and one (1) judge entered into formal mentorship. Along with these formal dispositions one (1) judge in one (1) case received an advisory letter, four (4) judges in four (4) cases received an informal mentorship. In FY 2025 the case dismissals were as follows: 58 cases dismissed as appellate, 26 cases dismissed because they concerned individuals beyond the Commission's jurisdiction, 2 cases were abated and 202 cases dismissed as unsubstantiated, and 13 complaints were dismissed after receipt of the judges response to a Notice of Investigation. Five (5) judges in eighteen (18) cases were temporarily suspended pending resolution of their inquiries.

In FY25 the Commission continued to make improvements to its website to assist the public in filing on-line complaints.

In FY24 the Commission instituted a rule change to remove the requirement that all complaints submitted to the Commission must be verified (notarized). The removal of the notarization requirement is significant in furthering the Commission's mission of protecting the public by granting easier access to all who seek to file a complaint and eliminating the cost and inconvenience of having a complaint notarized. In addition to filing complaints through the mail, this change allows complaints to be submitted electronically through the Commission's website. The ability to file complaints electronically is a major change and a major accomplishment which ensures efficiency, accuracy and

ease of filing complaints for all members of the public.

The Commission went live on July 1, 2024, with a completely restructured website to allow complaints to be filed on-line as mentioned above. These changes also included more ADA compliant features and the ability to translate the website from English to other languages. The structure was changed to make the website more user-friendly, to ensure all content was updated and to become more ADA compliant.

Due to this rule change and the access for on-line submissions the Commission has seen a growth in complaints of 51% in one fiscal year.

Our agency is one of the leading judicial disciplinary agencies nationally. The Commission's Executive Director has served on the Board of Directors of the Association of Judicial Disciplinary Counsel ("AJDC") since 2018 and is currently serving as President. In 2023 our Executive Director was appointed to the Advisory Board for the National Center for State Court's Center for Judicial Ethics. Our agency's Executive Director and Commission Chairs have regularly been invited to speak/teach at the national, regional, state, and local conferences concerning judicial conduct and ethics. Additionally, our Chief Financial Officer has been a member of AGA for 17 years and for eleven (11) of those years has served as a Board member of the Albuquerque Chapter and is currently serving as membership chair. In FY25 she received an award of excellence as Membership Chair for increasing the overall Albuquerque Chapters membership growth by 40%. 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.

Overview of Request:

200 category base request funds the JSC's 7 filled FTE salaries and benefits to include the changes from SB376 80/20 split and 2 of JSC employees now qualifying for SEPA rates, and a request for funding an unfunded vacant paralegal position (8th FTE), a new FTE for a HR Administrator and a new FTE for a JSC Attorney. The funded 7 FTE numbers are derived from current staff salaries and benefits as well as published GSD rates. The additional \$282,700 was derived from funding the vacant unfunded paralegal position below mid-point (\$57,000), HR Administrator at a salary of \$50,000 (mid-point) and an Attorney position at \$94,000 (mid-point) all with employee only insurance coverage as well as costs for PERA, FICA and RHC.

The 300 category increase was derived from GSD given rates and needed to complete our independent Audit as required by law.

The 400-category increase was derived from quotes from RealTime Solutions to provide maintenance to JSC's website for fiscal year FY27, current FY26 costs for Adobe Acrobat licenses and a rent escalator of 2% as included in JSC's current lease, as well as acquiring additional office space in the building JSC holds a lease (\$21,000) for the 3 new FTE and \$5,500 for office furniture based upon office furniture rates bought in FY24. These are necessary expenses as JSC receives the majority of its complaints through its website and on-line submission and the health of the website requires a specialist with knowledge specific to this task. JSC uses Adobe Acrobat to process and archive its complaints, and all documents received. JSC has a permanent retention on all complaints filed and having the full function of Adobe is vital in this process and also its approved archiving plan. JSC needs to be able to fund the rent escalation in its current lease as well as house the 3 new FTE as there is no space in its current office in which JSC holds a lease until at minimum June 30, 2028.

The agency has only one constitutional mandate, to serve as an investigative, prosecutorial, and adjudicative tribunal over all judges and justices in the State of New Mexico. Staff salaries and benefits make up approximately 90% of the agency's budget. The work performed by JSC staff and the thirteen (13) members of the Commission is pursuant to our constitutionally mandated requirements under Art. VI, § 32 of the New Mexico Constitution, and is the output product of the agency. The Judicial Standards Commission consistently meets or exceeds its target performance measures and has had clean audits without findings for more than a decade. We do not have other programs or fund balances to pull from and must solely rely on the general fund appropriations to fulfill our constitutional duties.

Programmatic Changes:

No changes. Our program is defined by the NM Constitution and has not and will not change without an amendment to the NM Constitution and upon approval by the voters.

BU PCode
21000 P210

Base Budget Justification: For FY27 the overall requested increase is \$357,300, an overall increase over the FY26 budget which includes increases to all three (3) categories. The request includes an additional \$41,004 due to the passage of SB 376, health insurance coverage of \$500.00 in PERA current staff rates, and \$200.00 in FICA. Also, included is funding for one (1) vacant paralegal position totaling \$81,363, a new FTE request for an HR Administrator, totaling \$72,341 and a JSC Attorney totaling \$129,053 which includes all salary and benefits. The 300 category has an increase of \$1,400 and the 400 category an increase of \$32,300 which are detailed below.

The 200-category salary and benefits increased by the following for current staff: \$41,004 to fund current staff health insurance due to SB376 passage, \$500 in PERA rates for current staff and \$200.00 in FICA for current staff.

This category also includes an overall increase of \$282,757 to fund a vacant Paralegal position, a new FTE for an HR Administrator and a new FTE for a JSC Attorney due to the increasing workload of JSC and growth of complaint submissions, which is broken down as follows: \$201,000 in salaries to include \$57,000 for the unfunded paralegal; \$50,000 for the HR Administrator; \$94,000 for the attorney position; \$23,688 in health insurance coverage to include \$7,896 per new FTE (employee only coverage); \$38,673 in PERA to include \$10,967 for the Paralegal, \$9,620 for the HR Administrator and \$18,086 for the Attorney; \$15,385 to include \$4,369 for the Paralegal, \$3,825 for the HR Administrator and \$7,191 for the Attorney; and \$3,940 in RHC to include \$1,140 for the Paralegal, \$1000 for the HR Administrator and \$1,800 for the Attorney positions.

The 300-category increase is \$1,400, which is solely in the Audit services category. This is a published amount for the JSC by GSD.

The 400 category increases total an additional \$32,300 overall. Appropriations were moved between account codes to better reflect projected expenditures by line item. The increase includes a 2% rent escalator of \$1,200 and an additional \$21,000 for office space to house the 3 new FTE, an additional \$5,500 for office furniture for the 3 FTE based upon the costs for furniture bought in FY24 and category 543830 was increased by \$5,000 due to the costs of the JSC website maintenance contract of \$2,700, JSC Acrobat Adobe License increase of \$2,250 to cover all current employees. All other category increases were offset by decreasing another line item and are detailed in our cover letter.

Consequences of not funding

Not funding the current base 200 category increase in the salaries and benefits category will create a shortfall of \$41,004 to pay for current staff benefits, which was due to the legislature passing SB376 and increasing the costs that agencies pay for employee benefits, as well as creating a shortfall of \$500.00 in PERA and \$200.00 in FICA for current employees. Not funding the base increase request of \$282,700 to fund an unfunded vacant paralegal position, a new HR administrator and a new JSC attorney will directly impact the constitutionally mandated work of the Commission, processing and adjudication of the complaints as well as performing all HR functions for staff. The JSC is fully staffed and does not have vacancy savings in which to draw from to cover any budget shortfalls in the salaries or benefits categories.

Not funding the \$1,400 increase in the 300 category will create a shortfall in GSD projected Audit rates.

Not funding the additional \$32,300 in the 400 category will create a hardship on JSC as these increases are beyond their control and are for rising costs in maintaining the JSC website in which 95% of its complaints are filed through, Adobe licensing for current staff, which is necessary to perform their job duties and the 2% rent escalator and cannot be covered by another line item, as well as \$21,000 to acquire additional space to house the 3 new FTEs and \$5,500 for the cost of office furniture for the new employees.

Judicial Standards Commission

BU PCode
21000 P210

State of New Mexico

E4 PCode Detail
(Dollars in Thousands)

Fund	Account		2024-25	2025-26	2026-27	FY 2027 Agency Request				Justification	
			Actuals	Opbud	PCF Proj	GF	OSF	ISF/IAT	FF		Total
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	109.52	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	5.62	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	20.99	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	6.76	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	2.73	0.0	0.0	0.0	0.0	0.0	
13500	520100	Exempt Perm Positions P/T&F/T	704.5	752.3	753.39	951.5	0.0	0.0	0.0	0.0	951.5 Current salaries of 750,505 and funding for vacant Paralegal \$57,000 a new FTE HR Administrator \$50,000 and a new FTE JSC Attorney of 94,000
13500	521100	Group Insurance Premium	74.1	70.0	117.47	134.7	0.0	0.0	0.0	0.0	134.7 Current staff insurance to include the 80/20 split and 2 employees who qualified for SEPA benefits for 111,004 an increase of 41,004, plus funding for requested Paralegal of 7,896, HR 7,896 and Attorney \$7,896
13500	521200	Retirement Contributions	135.6	143.9	144.4	183.0	0.0	0.0	0.0	0.0	183.0 Current staff RHC of 144,400 and Paralegal request of 10,967, HR \$9,620 and Attorney \$18,086
13500	521300	F I C A	50.9	57.2	46.53	72.8	0.0	0.0	0.0	0.0	72.8 Current staff of 57,400 and Paralegal request of 4,369, HR \$3,825 and Attorney \$7,191
13500	521400	Workers' Comp Assessment Fee	0.1	0.2	0	0.1	0.0	0.0	0.0	0.0	0.1
13500	521410	GSD Work Comp Insur Premium	0.2	0.2	0	0.2	0.0	0.0	0.0	0.0	0.2
13500	521600	Employee Liability Ins Premium	3.5	1.7	0	2.8	0.0	0.0	0.0	0.0	2.8
13500	521700	RHC Act Contributions	14.1	15.0	15.01	19.0	0.0	0.0	0.0	0.0	19.0 Current staff of 15,010 and Paralegal request of 1,140, HR \$1,000 and attorney \$1,800
	200	Personal services and employee benef	983.1	1,040.5	1,222.42	1,364.1	0.0	0.0	0.0	0.0	1,364.1
13500	542100	Employee I/S Mileage & Fares	0.3	0.5	0	0.5	0.0	0.0	0.0	0.0	0.5
13500	542200	Employee I/S Meals & Lodging	0.2	0.5	0	0.5	0.0	0.0	0.0	0.0	0.5
13500	542300	Brd & Comm Mbr Meals & Lodging	8.9	6.5	0	8.9	0.0	0.0	0.0	0.0	8.9 Estimates for commission per diem and lodging increased.
13500	542310	Brd & Comm Mbr Mileage & Fares	4.7	4.7	0	4.7	0.0	0.0	0.0	0.0	4.7
13500	542800	State Transp Pool Charges	0.1	0.1	0	0.1	0.0	0.0	0.0	0.0	0.1
13500	543300	Maint - Buildings & Structures	1.8	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0
13500	543500	Maint - Supplies	0.8	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0
13500	543830	IT HW/SW Agreements	11.4	9.0	0	14.0	0.0	0.0	0.0	0.0	14.0 Increase due to Adobe licenses for 7 FTE and Website maintenance
13500	544000	Supply Inventory IT	10.6	2.0	0	2.0	0.0	0.0	0.0	0.0	2.0

BU PCode
21000 P210

E4 PCode Detail
(Dollars in Thousands)

Fund	Account	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
13500	544100	Supplies-Office Supplies	2.2	2.5	0	2.5	0.0	0.0	0.0	2.5	
13500	544400	Supplies-Field Supplies	0.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
13500	544900	Supplies-Inventory Exempt	0.0	1.4	0	0.0	0.0	0.0	0.0	0.0	
13500	545600	Reporting & Recording	1.7	2.0	0	2.0	0.0	0.0	0.0	2.0	
13500	545710	DOIT HCM Assessment Fees	2.3	2.8	0	2.8	0.0	0.0	0.0	2.8	Projections include 8th FTE
13500	546100	Postage & Mail Services	1.3	1.0	0	1.0	0.0	0.0	0.0	1.0	
13500	546400	Rent Of Land & Buildings	57.8	57.7	0	79.9	0.0	0.0	0.0	79.9	2% rent escalator of \$1,200 and \$21,000 for additional space for the 3 requested positions
13500	546500	Rent Of Equipment	1.4	2.0	0	1.4	0.0	0.0	0.0	1.4	Lease of copier paid in full
13500	546600	Communications	3.0	2.7	0	3.0	0.0	0.0	0.0	3.0	Internet increase in rates Century Link
13500	546610	DOIT Telecommunications	6.1	6.7	0	7.3	0.0	0.0	0.0	7.3	GSD given rate
13500	546700	Subscriptions/Dues/License Fee	5.3	7.0	0	5.3	0.0	0.0	0.0	5.3	Reduction in subscription rates for agency
13500	546800	Employee Training & Education	2.1	2.0	0	2.0	0.0	0.0	0.0	2.0	
13500	546810	Board Member Training	0.0	2.5	0	2.5	0.0	0.0	0.0	2.5	
13500	547900	Miscellaneous Expense	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
13500	548200	Furniture & Fixtures	0.0	0.0	0	5.5	0.0	0.0	0.0	5.5	Furniture for 3 new positions
13500	549600	Employee O/S Mileage & Fares	1.9	3.0	0	3.0	0.0	0.0	0.0	3.0	
13500	549700	Employee O/S Meals & Lodging	3.6	4.0	0	4.0	0.0	0.0	0.0	4.0	
13500	549800	Brd & Comm O/S Mileage & Fares	0.0	6.5	0	6.5	0.0	0.0	0.0	6.5	Funding actuals will show for FY26 this is new funding to send Commissioners to NCSC conference. 4 Commissioners will be attending in FY26.
13500	549900	Brd & Comm O/S Meals & Lodging	0.0	5.0	0	5.0	0.0	0.0	0.0	5.0	Funding actuals will show for FY26 this is new funding to send Commissioners to NCSC conference. 4 Commissioners will be attending in FY26.
	400 Other		128.5	132.1	0	164.4	0.0	0.0	0.0	164.4	
TOTAL EXPENSE			1,111.6	1,172.6		1,528.5	0.0	0.0	0.0	1,528.5	

BU PCode
21000 P210

Contract by PCode Detail
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	----- FY 2027 Agency Request -----				Total	Justification
					GF	OSF	ISF/IAT	FF		
13500	535100	Medical Services	1000	0.0	2.0	0.0	0.0	0.0	2.0	
13500	535200	Professional Services	1000	7.7	3.0	0.0	0.0	0.0	3.0	
13500	535300	Other Services	1000	0.6	0.0	0.0	0.0	0.0	0.0	
13500	535400	Audit Services	1000	6.4	10.9	0.0	0.0	0.0	10.9	Increased due to GSD given rates
13500	535600	IT Services	1000	10.5	14.0	0.0	0.0	0.0	14.0	
TOTAL EXPENSE				25.3	29.9	0.0	0.0	0.0	29.9	

DFA Performance Based Budgeting Data System

Annual Performance Report

Agency: 21000 Judicial Standards Commission

Program: P210 Judicial Standards Commission

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct to preserve the integrity and impartiality of the judicial process.

Performance Measures:		2024-25 Target	2024-25 Result	Met Target	Year End Result Narrative
Efficiency	Average number of meeting cycles for formal hearings to be held for cases in which formal charges are filed	2	3	Yes	JSC had 3 Trials (Hearing in the Merits) in FY25. 1 was held in 2 trial docket cycles, 1 was held in 3 trial docket cycles (had to be moved to next trial docket as already had a trial set and was second on the docket), 1 was held in 3 trial docket cycles (trial had to be bumped 2 trial docket cycles due to the other 2 trials set as mentioned above and held within the 2 trial docket cycles.)
Efficiency	Number of days for commission to file petition for temporary suspension based on knowledge of cause for emergency interim suspension	3	3	Yes	JSC had 5 Temp Susp filed in FY25 in which 3 were filed in 1 day, 1 in 3 business days and 1 in 7 business days for an average of 2.6 business days
Output	Number of months for release of annual report to the public from the end of the fiscal year	4	0	Yes	This is a new measure for FY25 and JSC will issue its Annual Report by October 30th to meet this requirement

P210 Judicial Standards Commission						
Purpose:	The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct to preserve the integrity and impartiality of the judicial process.					
Performance Measures:		2023-24 Actual	2024-25 Actual	2025-26 Budget	2026-27 Request	2026-27 Recomm
Output	Number of months for release of annual report to the public from the end of the fiscal year	0	0	4	4	
Efficiency	Number of days for commission to file petition for temporary suspension based on knowledge of cause for emergency interim suspension	3	3	3	4	
Efficiency	Average number of meeting cycles for formal hearings to be held for cases in which formal charges are filed	0	3	2	0	



STATE OF NEW MEXICO JUDICIAL STANDARDS COMMISSION

STRATEGIC PLAN

*FY 2027 Appropriation Request
September 1, 2025*

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EXECUTIVE SUMMARY

The New Mexico Judicial Standards Commission is the ethics agency for the Judicial Branch of state government. It operates independently from the courts and is NOT part of the judiciary's Unified Budget, even though the JSC was created as a part of the Judicial Branch by amendment of the state constitution in 1968.

The Commission's jurisdiction extends to matters of judicial misconduct and disabilities seriously interfering with the performance of judicial duties, which is or likely to become permanent in nature of any justice, judge or magistrate of New Mexico's courts (municipal courts, magistrate courts, probate courts, district courts, the Court of Appeals, and the Supreme Court.

The Commission is strictly funded by general fund appropriations from the Legislature.

The Judicial Standards Commission is constitutionally charged with receiving and investigating complaints of judicial misconduct or failure or inability to perform judicial duties. The Commission receives complaints from the public, from litigants, from attorneys, from employees of organizations, from law enforcement, from judicial employees and from other judges.

Upon review of a complaint, the Commission may dismiss the complaint or conduct further investigation. During the investigation stage the Commission shall invite a judge to a Conference with the Commission to discuss and explain any responses to the investigation. If the Commission believes the complaint should go forward, the matter may proceed to an informal disposition or to a hearing on the merits (*i.e.*, evidentiary trial) before the Commission. If the Commission finds that there is good cause shown following a hearing on the merits, the Commission will file the record of the hearing in the New Mexico Supreme Court with the Commission's recommendation for discipline, removal, or retirement of the judge. The Supreme Court will conduct a *de novo* review of the record and the Commission's recommendation for discipline and issue orders that accept, reject, or modify the recommendation.

The Commission is not authorized to discipline a judge. 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.



COMMISSION MEMBERSHIP

As set forth in Article VI, §32 of the New Mexico Constitution and New Mexico Statutes Annotated §34-10-1 through 4, the Judicial Standards Commission is composed of thirteen (13) members. Seven (7) members are lay citizens appointed by the Governor, two (2) members are attorneys appointed by the Board of Bar Commissioners, two (2) members are justices or judges of the New Mexico Supreme Court, Court of Appeals or District Courts appointed by the Supreme Court, one (1) member is a magistrate judge appointed by the Supreme Court, and one (1) member is a municipal judge appointed by the Supreme Court. Commissioners do not receive a salary, but are paid *per diem* and reimbursed for expenses as provided by law. Each year the Commissioners elect a Chairperson and Vice-Chairperson from the lay membership.

CURRENT STATUTORY POSITION TERMS -- See NMSA 1978, §34-10-1

<u>Position No.</u>	<u>Filled By</u>	<u>Appointed By</u>	<u>Position Term</u>
1	Kevin R. Dixon, Ph.D. (R)	Governor	7/1/24–6/30/29
2	William E. Foote, Ph.D. (D)	Governor	7/1/25–6/30/30
3	Robert J. Radosevich (R)	Governor	7/1/21–6/30/26
4	Twilla C. Thomason (I)	Governor	7/1/22–6/30/27
5	Jasper Hardesty (D)	Governor	11/22/24–6/30/29
6	Nancy R. Long, Esq.	Bar Commissioners	7/1/20–6/30/26
7	Howard R. Thomas, Esq.	Bar Commissioners	7/1/24–6/30/28
8	<i>Hon.</i> Cheryl H. Johnston	Supreme Court	7/1/23–6/30/27
9	<i>Hon.</i> Bradford J. Dalley	Supreme Court	7/1/25–6/30/29
10	Roberta Jean Kamm (I)	Governor	7/1/24–6/30/29
11	<i>Hon.</i> Mickie Vega	Supreme Court	7/1/23–6/30/27
12	Kristin D. Muniz (D)	Governor	7/1/23–6/30/28
13	<i>Hon.</i> David Overstreet	Supreme Court	7/1/25–6/30/29



COMMISSION STAFF

Pursuant to §34-10-3 NMSA 1978, the Commission shall employ an executive director. Pursuant to §34-10-4 NMSA 1978 and Judicial Standards Commission Rule 4(I), the executive director is charged with performing all investigations as may be deemed necessary or desirable by the Commission; authorized to enter into contractual agreements on behalf of the Commission; shall hire such other personnel as may be necessary to carry out the responsibilities of the Commission; and perform such other duties as may be delegated by the Commission which include but are not limited to: conducting investigations, maintaining Commission records, maintaining statistics, preparing the budget; and preparing an annual report. The executive director and other staff conduct the Commission's day-to-day business, assist the public, handle complaints, and complete administrative matters required by the State. The Commission's staff currently consists of the following personnel:

Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ, ESQ.

Investigative Trial Counsel

MARCUS BLAIS, ESQ.

INVESTIGATIVE TRIAL COUNSEL

REBECCA RALPH, ESQ.

Paralegal

LISA JUAREZ

Chief Financial Officer

KRISTA M. GIANES-CHAVEZ

Administrative Assistant

VANESSA GARCIA

Case Management Specialist

BRIANNA STUBBS

PART 1: PURPOSE STATEMENT, USERS, & AUTHORITY



PURPOSE STATEMENT

The Judicial Standards Commission is the state's sole judicial ethics commission. The people of New Mexico created the commission by amendment to the state constitution in 1968. The commission actively, thoroughly, and properly fulfills its role as a highly effective ethics commission and an oversight agency, protecting the public from the improper conduct of New Mexico judges. The Commission is charged with preserving the integrity of the judicial process, maintaining public confidence in the judiciary, and creating a greater awareness of proper judicial behavior among judges and the public. When a matter of judicial misconduct or failure or inability to perform judicial duties comes before the Commission, the Commission provides a fair and expeditious resolution to the matter.



USERS

Any person or employee on behalf of an organization may file a complaint against a judge. According to the Commission's rules, the complaint shall be written on a form authorized by the Commission.

In the event the Commission or the Executive Director becomes aware of judicial conduct that may violate the New Mexico Code of Judicial Conduct, or the failure or inability of a judge to perform his or her judicial duties, the Commission or Executive Director may docket a matter and instruct Commission staff to begin an investigation.



CONSTITUTIONAL & STATUTORY AUTHORITY

Article VI, §32 of the New Mexico Constitution and New Mexico Statutes Annotated §§34-10-1, *et seq.* (See Appendices A & B) authorize the Judicial Standards Commission to investigate complaints involving allegations of willful misconduct in office; persistent failure or inability to perform a judge's duties; habitual intemperance; and disability seriously interfering with the performance of the judge's duties which is, or is likely to become, of a permanent character. The Commission's jurisdiction extends to justices and judges of the state judiciary. Where necessary, the Commission holds hearings and, if allegations are proven, recommends appropriate sanctions to the New Mexico Supreme Court. The Commission is also authorized by statute, Supreme Court Order, and its own rules to issue subpoenas, compel the testimony of witnesses, the production of documents and other

evidence, and to order the physical and/or psychological evaluation of a judge, or to compel a judge to undergo drug and/or alcohol screening (See Appendix C 21-214 NMRA).



LIMITATION OF AUTHORITY

The Commission is not an appellate court. The Commission cannot change any judge's ruling, intervene in litigation on behalf of a party, affect the outcome of a court case, or recuse or excuse a judge from a case. Neither the Commission nor its staff provides legal advice, and the Commission does not provide advisory opinions. The Commission is not vested with the authority to discipline, remove, or retire a judge. While the New Mexico Legislature may impeach and/or remove a justice or judges of the New Mexico Judiciary, the New Mexico Supreme Court is the only state institution vested with the authority to discipline, remove or retire a judge.

PART 2



MISSION STATEMENT

The Commission protects the public from improper conduct of New Mexico state judges. The Commission preserves the integrity of the judicial process, maintains public confidence in the judiciary, and creates a greater awareness of proper judicial behavior among judges and the public. When a matter of judicial misconduct or failure or inability to perform judicial duties comes before the Commission, the Commission provides a fair and expeditious resolution to the matter. The Commission also maintains confidentiality of all matters pending before the Commission until such time as the matters are unsealed in the Supreme Court.

PART 3



COMMISSION OBJECTIVES

The Commission intends to fulfill its constitutional and statutory mission to the public and to the judiciary by:

1. **Objective:** Fully, effectively, and efficiently utilizing funds appropriated by the State Legislature and authorized by the Governor. **Strategy:** The strategy for implementing this objective is to monitor and closely track budget and expenditures in order to optimize use of appropriated funds for authorized purposes.

2. **Objective:** Maintaining the functionality of the Commission's trailing docket system whereby the Commission places matters on schedule for a hearing on the merits. **Strategy:** The strategy for implementing this objective is to maintain scheduling and tracking of formal cases, ensuring they are set for a hearing on the merits when necessary, and ensuring legal staff prepares matters for prosecution.

3. **Objective:** Minimize the number of cases carried over from prior fiscal years. **Strategy:** The strategy for implementing this objective is to closely track cases as they move to the formal track, and focus on resolving the oldest cases first.

4. **Objective:** Maintaining accountability to the public through full and complete disclosure of all Commission records and information not prohibited from disclosure by law. **Strategy:** The strategy for implementing this objective is to ensure staff promptly responds to requests for records pursuant to the Inspection of Public Records Act (IPRA), to ensure staff is fully and adequately trained in the law, and to send appropriate staff to training on IPRA.

5. **Objective:** Maintaining accountability to the public through establishment of internal financial control processes that enable the Commission to undergo independent financial audits without findings, and that confirm the appropriate and effective use of state funds. **Strategy:** The strategy for implementing this objective is to continue to engage in open dialogue with DFA Financial Control Division and the Commission's independent public auditor in order to ensure the agency has implemented the most up-to-date internal control functions commensurate with the agency's size and resources, and to ensure appropriate staff receive necessary training to manage and maintain Commission financial control functions.

6. **Objective:** Maintaining accountability to the judiciary. **Strategy:** The strategy for implementing this objective is through strict adherence to constitutional confidentiality of Commission cases and to the law. It also consists of thorough review and analysis of docketed complaints, to ensure the Commission has jurisdiction over the judge and allegation, and ensuring the complaint is based on evidence sufficient to warrant informal or formal proceedings.

7. **Objective:** Increasing public and judicial awareness of the Commission's activities and constitutional duties. **Strategy:** The strategy for implementing this objective is by staff and Commissioners doing the following:

- a. Assisting the Administrative Office of the Court's Court Education Institute in its initial training of new judges and continuing legal education of sitting judges.
- b. Attending and presenting information about the Commission at local bar associations, national, regional and local seminars, and civic organizations.
- c. Speaking with the media and/or issuing press releases as authorized by law and when appropriate so that the public is informed about the existence and substance of matters when they are no longer confidential by law.
- d. Seek written opinions following recommendation for discipline by the New Mexico Supreme Court.

8. **Objective:** Limiting the agency's exposure to tort liability and constitutional claims. **Strategy:** The strategy for implementing this objective is by maintaining risk and loss prevention programs as required by law, and ensuring staff are both briefed and trained appropriately. In addition, completing self-assessments as agency exposure to, and protecting against, both tort and civil rights claims.

9. **Objective:** Maintaining accountability to the public in the procurement of goods and services. **Strategy:** The strategy for implementing this objective is by adhering to

procurement practices that optimize the return obtained on the expenditure of state funds in accordance with the law.

10. **Objective:** Maintain and amend when necessary the Commission's rules. Submit the Commission's revised rules for public review and comment, and adopt amended rules pursuant to law. **Strategy:** The strategy for implementing this objective is to review the Commission's rules every five (5) years and, if necessary, revise, schedule public comment, schedule ratification of revised rules, and issuance.



MANAGEMENT & HUMAN RESOURCE DEVELOPMENT

In order to meet the financial management and control objectives established by the Commission and its executive director, the executive director has established certain internal controls over the tracking and management of agency expenditures.

Commission staff members are also required to maintain continuing legal and professional education. All staff members are required to, and do, attend training programs on topics including, but not necessarily limited to:

- a. SHARE
- b. Human Resource Management
- c. Risk/Loss Prevention
- d. State Procurement Practices
- e. Sexual Harassment/Discrimination
- f. Legal Investigation
- g. Software Applications
- h. Continuing Legal Education
- i. Language Access
- j. Fraud Prevention
- k. Active Shooter
- l. Transgender Cultural Fluency Training



FILING, REVIEW, AND INVESTIGATION OF COMPLAINTS

Any person or employee on behalf of an organization may file a complaint against a judge on the Commission's complaint form. The Commission or Executive Director may docket misconduct allegations against a judge on their own motion. The Commission or Executive Director may undertake an investigation on their own motion when it has credible knowledge of misconduct or disability of a judge.

Inquiries about complaint procedures may be made in writing or by telephone. When a complaint is received, the Executive Director will review the complaint and will assign to staff for initial review and investigation. Staff's report along with the complaint will be presented to Commissioners for their review and disposition which may include additional investigation.

Judges and the public are not notified of unsubstantiated, extra-jurisdictional, or appellate complaints. Such cases are typically dismissed after investigation and review by the Commission.



ACTION THE COMMISSION CAN TAKE ON COMPLAINTS

Dismissal. If it is determined that there are insufficient factual or legal grounds to proceed, the complaint will be dismissed and the Commission's inquiry closed. The complainant will be informed of the disposition. A closure of the matter at this stage of the Commission's proceedings remains confidential.

Investigation. If the complaint appears to allege facts not obviously unfounded, and indicates that a disability or a violation of the New Mexico Code of Judicial Conduct, the Commission completes full investigations after issuing a notice of such to the subject judge, and requesting a response. After considering the judge's response to the notice of investigation, the Commission determines whether the matter should be dismissed. If dismissal is not entered at that time, the Commission invites the judge to attend a voluntary, informal, confidential conference with the Commission, affording the judge opportunity to present the response in person, answer questions, and have additional discussion with Commissioners about the allegations. After the conference, the Commission determines whether dismissal, informal disposition, or initiation of formal proceedings is warranted. After service of a notice of investigation, the Commission's jurisdiction attaches and is not affected by a judge's retirement, removal or resignation from office.

If at any time the Commission determines that insufficient grounds exist to proceed further, the case will be closed and the complainant and the judge (if a notice of investigation has been issued) will be informed of the disposition. A closure of the matter at this stage of the Commission's proceedings remains confidential.

Formal Proceedings. If at least seven (7) members of the Commission vote to begin formal proceedings, a notice of formal proceedings will be issued and served upon the judge. The notice of formal proceedings will contain the charges alleged, the facts upon which the charges are based, the laws, canons and rules allegedly violated, and the constitutional provisions under which the Commission invokes its jurisdiction in the proceedings. After service of a notice of formal proceedings, the Commission's jurisdiction attaches and is not affected by a judge's retirement, removal or resignation from office.

Upon filing and issuance of the notice of formal proceedings, the Commission will set the matter for a hearing on the merits (trial). The Commission may hear the case or if warranted appoint three masters who are justices or judges of courts of record to hear the matter, take evidence, and report their findings to the Commission. The formal hearing is a closed hearing. The judge has a right to and is given an 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 and in recommending the discipline, removal, or retirement of a judge to the Supreme Court.

If the Commission determines at any time prior to the conclusion of the formal proceedings that there is insufficient evidence to support allegations against the judge, those allegations will be dismissed.

Dispositions. Pursuant to JSC Rules 34-36, the Commission may dispose of a case by informal disposition or formal discipline. Informal dispositions remain confidential and may include issuance of an advisory letter, mentorship, counseling, training and/or other assistance. Formal discipline is issued by the New Mexico Supreme Court after a

recommendation by the Commission which may include suspension, limitations or conditions on performance of judicial duties, training, professional counseling, mentorship or other assistance, public censure, fine, or any other discipline appropriate to the conduct, removal or retirement of a judge.

Sanctions. If the Commission votes to recommend to the New Mexico Supreme Court that a judge should be sanctioned, the following sanctions are available: discipline which may include suspension, limitations or conditions on performance of judicial duties, training, professional counseling, mentorship or other assistance, public censure, fine, or any other discipline appropriate to the conduct, or any combination of the above, removal or retirement of a judge. The Supreme Court may set a hearing on the Commission’s recommendations. The Court will render a decision adopting, rejecting, or modifying the recommendation of the Commission or require some other action.

DISPOSITIONS

<u>DISMISSAL</u>	<u>FORMAL/PUBLIC</u>
<u>INFORMAL/CONFIDENTIAL</u> Advisory Letter Mentorship/Counseling Training/Education	Removal Involuntary Retirement Discipline Suspension Limitations on Judicial Duties Public Censure Fine Training at the Judge’s Expense <u>Any Combination of Above</u>

PART 4



LEGISLATIVE PERFORMANCE MEASURES

The New Mexico Legislature has instituted performance-based budgeting for all departments and agencies. The following revised performance measures were established for the Commission for FY2026.

1. Upon knowledge of cause for emergency interim suspension, time for Commission to file petition for temporary suspension with Supreme Court (in days).

This is an *Efficiency Measure*.
 FY2026 Target: 3 business days
 FY2027 Requested Target: Requires three (3) business days to investigate, notify thirteen (13) Commission members and obtain a formal vote.

This performance measure is consistent with the Commission’s mission to protect the public from improper judicial conduct.

2. For cases in which formal charges are filed, average time for formal hearings to be reached (in meeting cycles).

This is an *Efficiency Measure*.
 FY2026 Target: 2 meeting cycles.
 FY2027 Requested Target: 2 meeting cycles.

This performance measure is consistent with the Commission's mission to expeditiously prosecute and resolve formal matters before the Commission, and is consistent with the Commission's objective of minimizing reducing the number of cases carried from one fiscal year into another.

3. Time for release of Annual Report to the public from the end of the fiscal year (in months). This is a new measure for FY2025.

This is an *Output Measure*.

FY2025 Target: 4 months

FY2027 Requested Target: 4 months



APPENDIX A

CONSTITUTIONAL AUTHORITY

NEW MEXICO CONSTITUTION, ARTICLE VI, SECTION 32

There is created the "judicial standards commission", consisting of two justices or judges, one magistrate, one municipal judge and two lawyers selected as may be provided by law to serve for terms of four years, and seven citizens, none of whom is a justice, judge or magistrate of any court or licensed to practice law in this state, who shall be appointed by the governor for five-year staggered terms as may be provided by law. If a position on the commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated. No act of the commission is valid unless concurred in by a majority of its members. The commission shall select one of the members appointed by the governor to serve as chair.

In accordance with this section, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office, persistent failure or inability to perform a judge's duties, or habitual intemperance, or may be retired for disability seriously interfering with the performance of the justice's, judge's or magistrate's duties that is, or is likely to become, of a permanent character. 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.

The Supreme Court shall review the record of the proceedings on the law and facts and may permit the introduction of additional evidence, and it shall order the recommended discipline, removal or retirement, or modify as it finds just and proper or wholly reject the recommendation. Upon an order for retirement, any justice, judge or magistrate participating in a statutory retirement program shall be retired with the same rights as if the justice, judge or magistrate had retired pursuant to the retirement program. Upon an order for removal, the justice, judge or magistrate shall thereby be removed from office, and the justice's, judge's or magistrate's salary shall cease from the date of the order.

All 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. The commission shall promulgate regulations establishing procedures for hearings under this section. 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.

This section is alternative to, and cumulative with, the removal of justices, judges and magistrates by impeachment and the original superintending control of the Supreme Court. (As added November 7, 1967; as amended November 7, 1978, November 3, 1998 and November 6, 2012.



APPENDIX B

STATUTORY AUTHORITY

NEW MEXICO STATUTES ANNOTATED, §§34-10-1 – 34-10-4

34-10-1. Judicial Standards Commission; selection; terms. (2013)

The judicial standards commission consists of thirteen positions:

A. positions 1 through 5, position 10 and position 12, each of which shall be filled by a person who is a qualified elector of this state, who is not a justice, judge or magistrate of any court and who is not licensed to practice law in this state. The governor shall fill each of these positions by appointment of qualified persons. Following initial terms specified in this subsection, these positions shall be filled in the same manner by qualified persons who serve for five years or less, in such manner that at least one term expires on June 30 each year, and so that not more than three of the seven positions are occupied by persons from the same political party. The initial terms for positions 1 through 5 begin on July 1, 1968. The initial term for position 10 begins on July 1, 1999, and the initial term for position 12 begins on July 1, 2013. The terms expire as follows:

- (1) position 1 on June 30, 1969;
- (2) position 2 on June 30, 1970;
- (3) position 3 on June 30, 1971;
- (4) position 4 on June 30, 1972;
- (5) position 5 on June 30, 1973;
- (6) position 10 on June 30, 2004; and
- (7) position 12 on June 30, 2018;

B. positions 6 and 7, each of which shall be filled by a person who is licensed to practice law in this state. These positions shall be filled by appointment of qualified persons by majority vote of all members of the board of commissioners of the state bar of New Mexico, but no member of the board of commissioners shall be appointed. Following initial terms specified in this subsection, these positions shall be filled in the same manner by qualified persons who serve for four years or less, in such manner that one of the terms expires on June 30 of each even-numbered year. Initial terms begin on July 1, 1968 and expire as follows:

- (1) position 6 on June 30, 1970; and
- (2) position 7 on June 30, 1972; and

C. positions 8 and 9, each of which shall be filled by a person who is a justice of the supreme court or a judge of the court of appeals or district court; position 11, which shall be filled by a person who is a magistrate court judge; and position 13, which shall be filled by a person who is a municipal judge. These positions shall be filled by appointment of qualified persons by the supreme court. Following initial terms specified in this subsection, these positions shall be filled in the same manner by qualified persons who serve for four years or less, in such manner that at least one of the terms expires on June 30 of each odd-numbered year. The initial terms for positions 8 and 9 begin on July 1, 1968. The initial term for position 11 begins on July 1, 1999. The initial term for position 13 begins on July 1, 2013. The terms expire as follows:

- (1) position 8 on June 30, 1971;
- (2) position 9 on June 30, 1973;
- (3) position 11 on June 30, 2003; and
- (4) position 13 on June 30, 2017.

34-10-2. Judicial standards commission; vacancies. (1968)

Whenever any member of the judicial standards commission dies, resigns or no longer has the qualifications required for his original selection, his position on the commission becomes vacant. The remaining members of the commission shall certify the existence of the vacancy to the original appointing authority for the vacant position, which authority shall select a successor in the same manner as the original selection was made.

34-10-2.1. Judicial standards commission; duties; subpoena power. (Effective June 16, 2023.)

A. Pursuant to the judicial standards commission's authority granted by Article 6, Section 32 of the constitution of New Mexico, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office, persistent failure or inability to perform the judge's duties or habitual intemperance, or may be retired for a disability that seriously interferes with the performance of the justice's, judge's or magistrate's duties and that is, or is likely to become, of a permanent character.

B. With respect to the officials listed in Subsection A of this section, the judicial standards commission shall:

(1) investigate all charges, complaints and allegations as to willful misconduct in office, persistent failure or inability to perform official duties or habitual intemperance, if the commission deems necessary, and hold a hearing on the charges, complaints or allegations concerning the discipline or removal of the official;

(2) investigate and, if the commission deems necessary, hold hearings on any charge, complaint or allegation that an official listed in Subsection A of this section has suffered a disability that is seriously interfering with the performance of the official's duties and that is, or is likely to become, of a permanent character;

(3) if the commission deems it necessary or convenient, appoint three masters, who are justices or judges of courts of record, to hear and take evidence in any matter arising under Paragraph (1) or (2) of this subsection who shall report their findings to the commission; and

(4) after a hearing deemed necessary pursuant to Paragraph (2) of this subsection or after considering the record and the findings and report of the masters, if the commission finds good cause, recommend to the supreme court the discipline, removal or retirement of the official.

C. In any investigation or hearing held under the provisions of this section, the commission may administer oaths and, with the concurrence of a majority of the members of the commission, petition a district court to subpoena witnesses, compel their attendance and examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation upon a showing of probable cause.

34-10-3. Judicial standards commission; executive director. (1974)

The judicial standards commission shall employ an executive director.

34-10-4. Judicial standards commission; director's duties. (1974)

The executive director of the judicial standards commission shall:

A. perform, or cause to be performed, all investigations as may be deemed necessary or desirable by the commission or masters appointed by the commission;

B. enter into such contracts as may be necessary to carry out the responsibilities of the commission;

- C. hire such other personnel as may be necessary to carry out the responsibilities of the commission; and
- D. perform such other duties as may be delegated to him by the commission.



APPENDIX C

CODE OF JUDICIAL CONDUCT RULE 21-214 NMRA 2012

Rule 21-214 of the Supreme Court's Code of Judicial Conduct delineates the prohibitions concerning impairments, including alcohol abuse and/or use of drugs, and reporting requirements.

21-214. Disability and impairment.

A. A judge who has a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to the Lawyer's Assistance Committee of the State Bar, Alcoholics Anonymous, Narcotics Anonymous, or other support group recognized by the New Mexico Disciplinary Board or the New Mexico Judicial Standards Commission.

B. Notwithstanding the provisions of Paragraph A of this rule, any incumbent judge who illegally sells, purchases, possesses, or uses drugs or any substance considered unlawful under the provisions of the Controlled Substances Act, shall be subject to discipline under the Code of Judicial Conduct.

C. Any judge who has specific, objective, and articulable facts, or reasonable inferences that can be drawn from those facts, that a judge has engaged in the misconduct described in Paragraph B of this rule shall report those facts to the New Mexico Judicial Standards Commission. Reports of such misconduct shall include the following information:

- (1) the name of the person filing the report;
- (2) the address and telephone number where the person may be contacted;
- (3) a detailed description of the alleged misconduct; and

(4) any supporting evidence or material that may be available to the reporting person. The Judicial Standards Commission shall review and evaluate reports of such misconduct to determine if the report warrants further review or investigation.