



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, 2026

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 28 Appropriation Request*

Dear Mr. Semiglia and Mr. Jacobs:

Enclosed is our agency's FY 2028 Appropriation Request. This letter serves to address the main areas outlined in the FY 2028 Appropriation Request Instructions.

We are requesting a \$273,500 overall increase over the FY27 budget which includes an increase in two categories. The request includes an additional \$4,030 in current staff salaries and benefits. Also, included in the request is funding for one (1) vacant paralegal position totaling \$92,929, a new FTE request for a JSC Attorney totaling \$144,525.00 to include all salaries and benefits. Lastly, in the 200 category is a 4.7% increase in the GSD given civil liability insurance rates from \$1,700 to \$36,400. The 400 category has an increase of \$1,200 which is 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. JSC has also not requested additional funds for office space, furniture or IT equipment to focus the request strictly on salaries and benefits. The Paralegal and Attorney will be sharing offices with current staff to save on costs of requesting funds for new office space and furniture needs. JSC estimates these costs would be a total of \$20,000 with approximately \$12,000 being recurring.

Details of any base budget increases that are required to maintain services at an FY 2027 funding level. The agency increased the 200 Category by \$4,030 above its FY27 operating budget to



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fund current staff salaries and benefits, as well as funding a request of \$237,452.00 to fund a vacant Paralegal position, a new FTE for a JSC Attorney. The JSC has a 4.7% increase in the GSD given civil liability insurance rates from \$1,700 to \$36,400. The JSC cannot absorb an increase of \$34,700 as it has no vacancies or other line items from which to pull the amount of funds needed to cover this increased expense.

The number of complaints filed with the JSC has significantly increased since FY24 and continues to grow. We received 164 complaints in FY24, 350 complaints in FY25, and 380 complaints in FY26. We have already received 75 complaints in the first 2 months of FY27. If that trend continues, the JSC can anticipate receiving 450 complaints in FY27. This increase is attributed to the accessibility and ease of filing complaints online through the JSC website without incurring the cost of notarization, as was previously required. Anyone can file a complaint online and the JSC receives complaints from members of the public, litigants, defendants, attorneys, relatives, other state agencies, law enforcement, judicial staff and judges. The Executive Director and the Commission itself can docket complaints on their own motion.

The JSC staff thoroughly investigates every complaint by conducting research, gathering evidence and conducting interviews. Upon completion of the investigation, the staff determines if the complaint is unsubstantiated, appellate or out of the Commission's jurisdiction. Following this detailed investigation, staff prepares and presents a report to the Commission, who may dismiss allegations or the complaint in its entirety, recommend informal dispositions or recommend of formal discipline to the New Mexico Supreme Court. This means that all complaints received by the JSC must be investigated by staff even if the allegation(s) in the complaint are found to be unsubstantiated, appellate or out of the Commissions jurisdiction

Due to the increase in the number of complaints received in FY26 and the anticipated increase in complaints in FY27, the JSC requires additional staff to review, investigate and process those complaints in a timely manner. The additional staff requests include a JSC Attorney and filling an unfunded paralegal position. These positions are crucial to assist overworked staff and 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 who also supports the Executive Director. Without additional positions the JSC will not be able to timely perform its constitutionally mandated duties This will also negatively affect the JSC's ability to meet performance measures.

The continued increase in our case load without additional staff will make it difficult to process complaints in a timely manner and result in delays for disposition not only for the complainant but also for the judge. This delay will directly impact the imposition of a recommended disposition or discipline to judges who may need training, mentoring, or removal but remain on the bench without appropriate training/mentoring because the cases may open for a longer period of time than necessary. The delay in processing complaints is a disservice to the members of the public whose



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complaints remain pending longer than necessary

The 400 category was increased by \$1,200, however the JSC was able to offset other potential increases from adjusting other line-items and restoring funding moved from the 400 category to the 300 category in FY27 for a onetime server installation. The line-item changes are due to a 2% rent escalator of \$1,200 in the JSC's lease.

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

520100 Exempt Perm. This category includes current salaries of \$757,400, and a requested increase of \$170,443.20 to include \$65,200 for the unfunded Paralegal and \$105,235 for a new FTE Attorney position for a total of \$927,800 in salaries.

521100 Group Insurance Premium. This category includes current staff insurance premiums of \$131,200 which is an increase of \$13,800 over FY27 Op-Bud due to a staff member qualifying for SEPA insurance. This category also includes an increase of \$19,144 to fund the unfunded Paralegal and new FTE request for an attorney (\$9,572 each)

521200 PERA. This category includes current staff retirement contributions of \$145,900 flat from FY27 and an increase of \$32,745 to include funding of \$12,500 for the Paralegal and \$20,200 for the Attorney in PERA projections solely due to the addition of the positions.

521300 FICA. This category includes current staff FICA of \$52,574 and \$11,393.00 to fund \$4,027 for the Paralegal and \$7,366 for the Attorney positions.

521700 RHC Contributions. This category includes current staff RHC of \$15,140.00 flat from FY27 and an increase of \$3,728 to include funding of \$1,624 for Paralegal and \$2,104 for the Attorney position in RHC and solely due to the addition of the positions.

300 Category Changes. This category shows a decrease due to restoring funding to the 400 category that had to be moved in FY27 to cover a one-time server installation project.

535400 Audit. This category decreased from GSD given rates as JSC had to procure a new audit firm in FY27 and therefor decreased this category to accurately reflect the quote which was obtained for 3 fiscal years and would include FY28.

400 Category Changes. This category increased by \$1,200 overall. Appropriations were moved between account codes to better reflect projected expenditures by line item, which limited the overall budget increase request to only \$1,200 for the JSC 2% rent escalator. As stated throughout, the JSC did not request additional rent space for the Paralegal or new Attorney position, nor did it request



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any funds to cover additional IT equipment or licenses for the new staff. JSC did this to focus solely on requesting funding for these positions in the salary and benefits categories for the unfunded Paralegal and new Attorney position.

546400 Rent/Building/Land. This category was increased by \$1,200 due to 2% escalator in lease agreement.

546600 Communications. This category was increased to accurately reflect FY28 projected costs.

546700 Subscriptions and Dues. This category decreased to cover offsets on other line items and to keep the FY28 overall request to only \$1,200 in the 546400 category.

549800-Brd/Commission O/S Mileage and Fares. This category funding was restored from moving funds back from the 300 category due to a one-time server installation project in which the funds had to be moved in FY27. This category funds sending 3-4 Commissioners to the only judicial ethics training offered to commissions.

549900 Brd/Commission O/S Meals and Lodging. This category funding was restored from moving funds back from the 300 category due to a one-time server installation project in which the funds had to be moved in FY27. This category funds sending 3-4 Commissioners to the only judicial ethics training offered to commissions of our kind.

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 \$4,030 will cover all salary and benefits costs for current staff. The request for \$237,452.00 to fund a vacant Paralegal position and 1 new FTE of a JSC Attorney due to the continual increase in filed complaints and growth in the workload is needed to meet the Commissions only mission.

The 400 category overall increase of \$1,200 is solely due to a 2% rent escalator in JSC lease. As stated, JSC moved funds from other line items to keep this increase to the rent escalator only and keep the request in the 200 category.

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



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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,

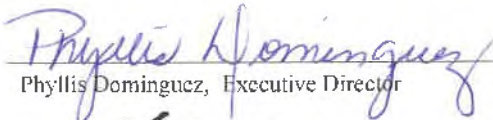
Phyllis Dominguez
PHYLLIS A. DOMINGUEZ
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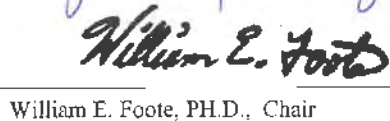
**APPROPRIATION REQUEST
CERTIFICATION
FORM S-1**

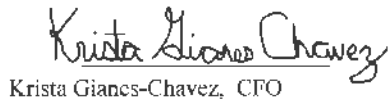
Agency Name: Judicial Standards Commission

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 Giances-Chavez, CFO

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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.

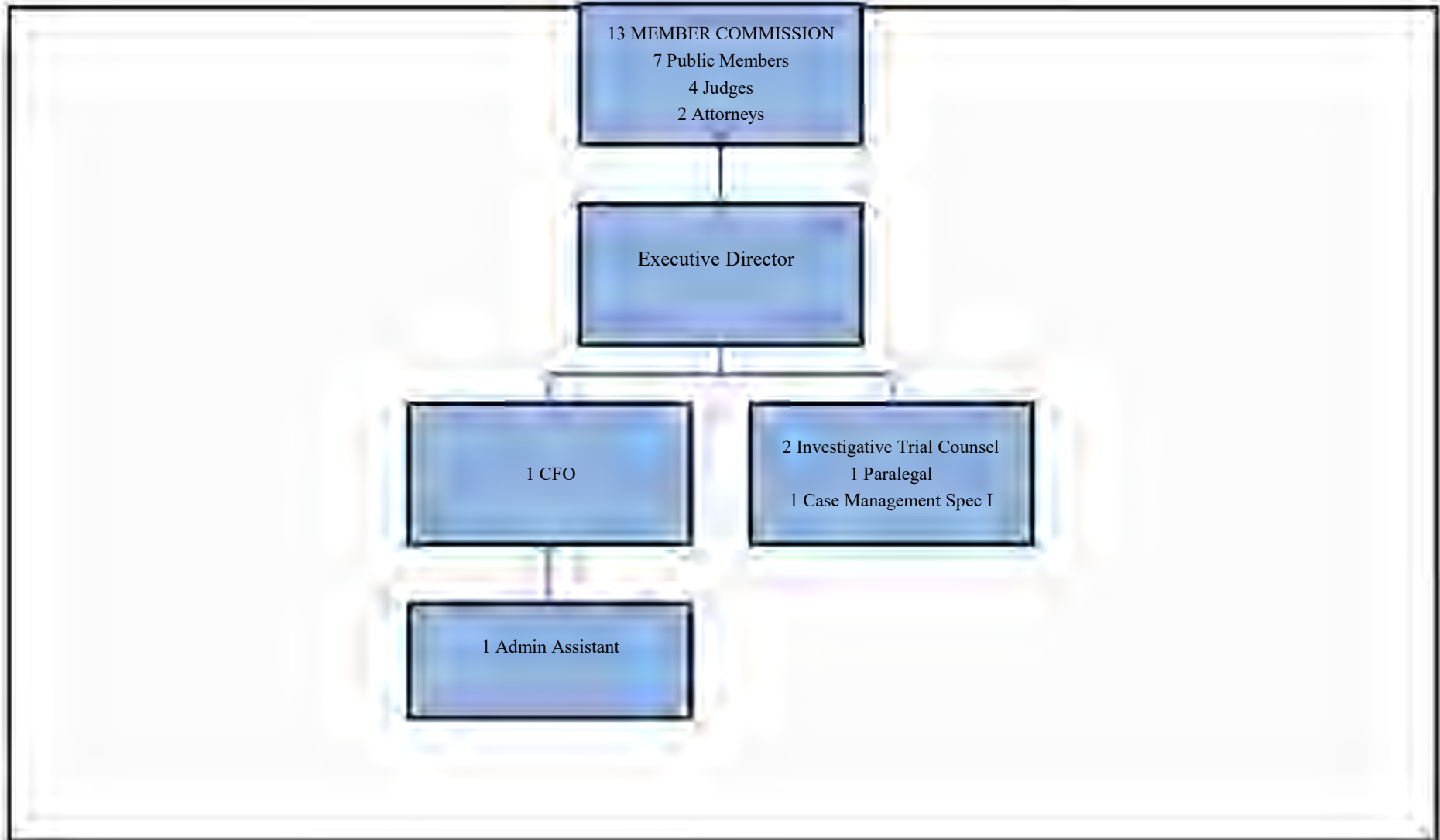
Agency Judicial Standards Commission

Program P210

FORM S-2

Agency Code 210

ORGANIZATION CHART



Check here ☐ if this form is a revision.

Revision no.: Revision date:

PAGE: 1

S-8 Financial Summary

(Dollars in Thousands)

BU PCode Department
21000 P210 000000

	2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	Base	----- FY 2028 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	1,201.1	1,153.5	1,306.1	0.0	1,579.6	0.0	1,579.6
112 Other Transfers	0.0	76.4	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	1,201.1	1,229.9	1,306.1	0.0	1,579.6	0.0	1,579.6
REVENUE	1,201.1	1,229.9	1,306.1	0.0	1,579.6	0.0	1,579.6
EXPENSE							
200 Personal services and employee benefits	1,040.5	1,074.6	1,100.0	1,188.3	1,376.5	0.0	1,376.5
300 Contractual services	28.5	14.1	70.2	0.0	62.9	0.0	62.9
400 Other	132.1	138.7	135.9	0.0	140.2	0.0	140.2
EXPENDITURES	1,201.1	1,227.4	1,306.1	1,188.26	1,579.6	0.0	1,579.6
EXPENSE	1,201.1	1,227.4	1,306.1	1,188.26	1,579.6	0.0	1,579.6
FTE POSITIONS							
810 Permanent	7.00	7.00	7.00	8.00	0.00	0.00	0.00
FTEs	7.00	7.00	7.00	8.00	0.00	0.00	0.00
FTE POSITIONS	7.00	7.00	7.00	8.00	0.00	0.00	0.00

BU PCode Department
21000 0000 0000000000

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

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
499105	General Fd. Appropriation	1,201.1	1,153.5	1,306.1	0.0	1,579.6	0.0	1,579.6
111	General Fund Transfers	1,201.1	1,153.5	1,306.1	0.0	1,579.6	0.0	1,579.6
499905	Other Financing Sources	0.0	76.4	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	76.4	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		1,201.1	1,229.9	1,306.1	0	1,579.6	0.0	1,579.6
520100	Exempt Perm Positions P/T&F/T	752.3	749.7	758.2	825.7	927.8	0.0	927.8
521100	Group Insurance Premium	70.0	108.2	117.4	137.4	150.4	0.0	150.4
521200	Retirement Contributions	143.9	144.2	145.9	157.7	178.4	0.0	178.4
521300	F I C A	57.2	55.5	58.0	50.8	64.0	0.0	64.0
521400	Workers' Comp Assessment Fee	0.2	0.1	0.2	0.0	0.1	0.0	0.1
521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0.0	0.5	0.0	0.5
521600	Employee Liability Ins Premium	1.7	1.7	1.7	0.0	36.4	0.0	36.4
521700	RHC Act Contributions	15.0	15.0	18.4	16.7	18.9	0.0	18.9
200	Personal services and employee benef	1,040.5	1,074.6	1,100.0	1,188.3	1,376.5	0.0	1,376.5
535100	Medical Services	2.0	0.0	2.0	0.0	2.0	0.0	2.0
535200	Professional Services	3.0	0.0	3.0	0.0	7.0	0.0	7.0
535300	Other Services	0.0	0.1	20.3	0.0	25.0	0.0	25.0
535400	Audit Services	9.5	6.4	10.9	0.0	8.9	0.0	8.9
535600	IT Services	14.0	7.7	34.0	0.0	20.0	0.0	20.0
300	Contractual services	28.5	14.1	70.2	0.0	62.9	0.0	62.9
542100	Employee I/S Mileage & Fares	0.5	0.4	0.5	0.0	0.5	0.0	0.5
542200	Employee I/S Meals & Lodging	0.5	0.0	2.0	0.0	2.0	0.0	2.0
542300	Brd & Comm Mbr Meals & Lodging	6.5	4.2	6.5	0.0	6.5	0.0	6.5
542310	Brd & Comm Mbr Mileage & Fares	4.7	3.9	4.7	0.0	4.7	0.0	4.7
542800	State Transp Pool Charges	0.1	0.0	0.4	0.0	0.4	0.0	0.4
543500	Maint - Supplies	0.0	0.1	0.0	0.0	0.1	0.0	0.1
543830	IT HW/SW Agreements	9.0	9.5	12.2	0.0	12.2	0.0	12.2
544000	Supply Inventory IT	2.0	5.1	5.4	0.0	5.4	0.0	5.4
544100	Supplies-Office Supplies	2.5	0.5	3.0	0.0	2.2	0.0	2.2
544400	Supplies-Field Supplies	0.0	0.7	0.0	0.0	0.8	0.0	0.8
544900	Supplies-Inventory Exempt	1.4	0.0	1.4	0.0	1.4	0.0	1.4
545600	Reporting & Recording	2.0	0.0	3.9	0.0	3.9	0.0	3.9
545710	DOIT HCM Assessment Fees	2.8	2.5	2.8	0.0	2.9	0.0	2.9

BU PCode Department
21000 0000 0000000000

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

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
546100	Postage & Mail Services	1.0	1.4	2.0	0.0	2.0	0.0	2.0
546400	Rent Of Land & Buildings	57.7	57.7	59.0	0.0	60.1	0.0	60.1
546500	Rent Of Equipment	2.0	1.4	2.0	0.0	2.0	0.0	2.0
546600	Communications	2.7	3.3	2.7	0.0	3.3	0.0	3.3
546610	DOIT Telecommunications	6.7	6.7	7.0	0.0	7.5	0.0	7.5
546700	Subscriptions/Dues/License Fee	7.0	2.4	7.7	0.0	5.6	0.0	5.6
546800	Employee Training & Education	2.0	2.0	2.7	0.0	2.7	0.0	2.7
546810	Board Member Training	2.5	2.0	2.5	0.0	2.5	0.0	2.5
547900	Miscellaneous Expense	0.0	0.2	0.0	0.0	0.0	0.0	0.0
548300	Information Tech Equipment	0.0	24.2	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	3.0	2.5	3.5	0.0	2.5	0.0	2.5
549700	Employee O/S Meals & Lodging	4.0	4.2	4.0	0.0	4.0	0.0	4.0
549800	Brd & Comm O/S Mileage & Fares	6.5	2.0	0.0	0.0	3.0	0.0	3.0
549900	Brd & Comm O/S Meals & Lodging	5.0	1.8	0.0	0.0	2.0	0.0	2.0
400	Other	132.1	138.7	135.9	0.0	140.2	0.0	140.2
TOTAL EXPENSE		1,201.1	1,227.4	1,306.1	1,188.26	1,579.6	0.0	1,579.6
810	Permanent	7.00	7.00	7.00	8.00	0.00	0.00	0.00
810	Permanent	7.00	7.00	7.00	8.00	0.00	0.00	0.00
TOTAL FTE POSITIONS		7.00	7.00	7.00	8.00	0.00	0.00	0.00

Judicial Standards Commission

BU PCode
21000 P210

State of New Mexico

E4 PCode Detail
(Dollars in Thousands)

Fund	Account		2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request				Total	Justification
						GF	OSF	ISF/IAT	FF		
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	65.61	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	6.14	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	12.5	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	4.03	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	1.62	0.0	0.0	0.0	0.0	0.0	
13500	520100	Exempt Perm Positions P/T&F/T	749.7	758.2	762.04	927.8	0.0	0.0	0.0	927.8	This includes current staff salaries of 757,400 and a new request of 170,400 which includes funding for a vacant Paralegal (65,200) position and a new Inv Trial Counsel (Attorney) position (105,200)
13500	521100	Group Insurance Premium	108.2	117.4	131.26	150.4	0.0	0.0	0.0	150.4	This includes current staff Group Ins of 131,256 and 9,572 for the unfunded Paralegal position and 9,572 for the new FTE req of Inv Trail Counsel
13500	521200	Retirement Contributions	144.2	145.9	145.15	178.4	0.0	0.0	0.0	178.4	This includes current staff PERA of 145,900 and 12,500 for the unfunded Paralegal position and 20,200 for the New FTE Inv Trial Counsel
13500	521300	F I C A	55.5	58.0	46.78	64.0	0.0	0.0	0.0	64.0	This includes current staff FICA of 52,574 and 4,027 for the unfunded Paralegal position and 7,366 for the New FTE Inv Trial Counsel
13500	521400	Workers' Comp Assessment Fee	0.1	0.2	0	0.1	0.0	0.0	0.0	0.1	This is a given rate of 10.20 per FTE
13500	521410	GSD Work Comp Insur Premium	0.2	0.2	0	0.5	0.0	0.0	0.0	0.5	This is a GSD published rate
13500	521600	Employee Liability Ins Premium	1.7	1.7	0	36.4	0.0	0.0	0.0	36.4	This is a GSD published rate and JSC does not have any other funds or vacancy savings in which to cover the over 4.7% increase
13500	521700	RHC Act Contributions	15.0	18.4	15.09	18.9	0.0	0.0	0.0	18.9	This includes current staff RHC of 15,140 and 1,624 for the unfunded Paralegal position and 2,104 for the New FTE Inv Trial Counsel
	200	Personal services and employee benef	1,074.6	1,100.0	1,190.22	1,376.5	0.0	0.0	0.0	1,376.5	
13500	542100	Employee I/S Mileage & Fares	0.4	0.5	0	0.5	0.0	0.0	0.0	0.5	
13500	542200	Employee I/S Meals & Lodging	0.0	2.0	0	2.0	0.0	0.0	0.0	2.0	
13500	542300	Brd & Comm Mbr Meals & Lodging	4.2	6.5	0	6.5	0.0	0.0	0.0	6.5	This category was not decreased due to Commission lodging projections for FY28
13500	542310	Brd & Comm Mbr Mileage & Fares	3.9	4.7	0	4.7	0.0	0.0	0.0	4.7	
13500	542800	State Transp Pool Charges	0.0	0.4	0	0.4	0.0	0.0	0.0	0.4	
13500	543500	Maint - Supplies	0.1	0.0	0	0.1	0.0	0.0	0.0	0.1	This increase covers travel agent fees for all staff and commission out of state travel

Judicial Standards Commission

State of New Mexico

BU PCode
21000 P210

E4 PCode Detail
(Dollars in Thousands)

Fund	Account		2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request				Total	Justification
						GF	OSF	ISF/IAT	FF		
13500	543830	IT HW/SW Agreements	9.5	12.2	0	12.2	0.0	0.0	0.0	12.2	JSC IT subscription rates increased in FY27 and that will carry over into FY28 kept the request flat for this reason
13500	544000	Supply Inventory IT	5.1	5.4	0	5.4	0.0	0.0	0.0	5.4	
13500	544100	Supplies-Office Supplies	0.5	3.0	0	2.2	0.0	0.0	0.0	2.2	
13500	544400	Supplies-Field Supplies	0.7	0.0	0	0.8	0.0	0.0	0.0	0.8	JSC has need for purchasing items in this category that was not a funded line item. We have added 800 into this category to accurately reflect projected spending needs
13500	544900	Supplies-Inventory Exempt	0.0	1.4	0	1.4	0.0	0.0	0.0	1.4	
13500	545600	Reporting & Recording	0.0	3.9	0	3.9	0.0	0.0	0.0	3.9	JSC has left this cat flat to cover projected deposition and witness expenses for a trial.
13500	545710	DOIT HCM Assessment Fees	2.5	2.8	0	2.9	0.0	0.0	0.0	2.9	This is a given rate of 365 per FTE
13500	546100	Postage & Mail Services	1.4	2.0	0	2.0	0.0	0.0	0.0	2.0	
13500	546400	Rent Of Land & Buildings	57.7	59.0	0	60.1	0.0	0.0	0.0	60.1	Increase is due to a 2% rent escalator in JSC's lease
13500	546500	Rent Of Equipment	1.4	2.0	0	2.0	0.0	0.0	0.0	2.0	
13500	546600	Communications	3.3	2.7	0	3.3	0.0	0.0	0.0	3.3	Increase due to current communications rates
13500	546610	DOIT Telecommunications	6.7	7.0	0	7.5	0.0	0.0	0.0	7.5	Increase due to DOIT given rate sheet
13500	546700	Subscriptions/Dues/License Fee	2.4	7.7	0	5.6	0.0	0.0	0.0	5.6	Decreased to cover shortfalls in other line items and to reflect FY28 projections
13500	546800	Employee Training & Education	2.0	2.7	0	2.7	0.0	0.0	0.0	2.7	
13500	546810	Board Member Training	2.0	2.5	0	2.5	0.0	0.0	0.0	2.5	
13500	547900	Miscellaneous Expense	0.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
13500	548300	Information Tech Equipment	24.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
13500	549600	Employee O/S Mileage & Fares	2.5	3.5	0	2.5	0.0	0.0	0.0	2.5	
13500	549700	Employee O/S Meals & Lodging	4.2	4.0	0	4.0	0.0	0.0	0.0	4.0	Increase to cover more accurate projections in this category
13500	549800	Brd & Comm O/S Mileage & Fares	2.0	0.0	0	3.0	0.0	0.0	0.0	3.0	This category was decreased in FY27 and moved to the 300 cat to cover a onetime expense of installing a new server. Funding needs to be restored to send 3-4 of the 13 Commission members to the National Center for State Courts Ethics training. This is a specialized training that is only offered out of state and for Commissioners that serve on ethics standards commissions like JSC around the nation.

BU PCode
21000 P210

E4 PCode Detail
(Dollars in Thousands)

Fund	Account	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request				Total	Justification
					GF	OSF	ISF/IAT	FF		
13500	549900	Brd & Comm O/S Meals & Lodging	1.8	0.0	0	2.0	0.0	0.0	0.0	2.0 This category was decreased in FY27 and moved to the 300 cat to cover a onetime expense of installing a new server. Funding needs to be restored to send 3-4 of the 13 Commission members to the National Center for State Courts Ethics training. This is a specialized training that is only offered out of state and for Commissioners that serve on ethics standards commissions like JSC around the nation.
	400	Other	138.7	135.9	0	140.2	0.0	0.0	0.0	140.2
TOTAL EXPENSE			1,213.2	1,235.9		1,516.7	0.0	0.0	0.0	1,516.7

State of New Mexico
S-13 Line Items by Business Unit Expenditures
(Dollars in Thousands)

		2025-26	2026-27	Request		Recommendation					
BusUnit	Line Item	Actuals	Opbud	Base	Expansion	Base	Expansion	Opbud			
21000	P210-R	Judicial Standards Commission	520100	Exempt Perm Positions P/T&F/T	749.71	758.2	927.8	0	0	0	0.0
		521100	Group Insurance Premium	108.21	117.4	150.4	0	0	0	0.0	
		521200	Retirement Contributions	144.24	145.9	178.4	0	0	0	0.0	
		521300	F I C A	55.48	58	64	0	0	0	0.0	
		521400	Workers' Comp Assessment Fee	0.07	0.2	0.1	0	0	0	0.0	
		521410	GSD Work Comp Insur Premium	0.2	0.2	0.5	0	0	0	0.0	
		521600	Employee Liability Ins Premium	1.66	1.7	36.4	0	0	0	0.0	
		521700	RHC Act Contributions	14.99	18.4	18.9	0	0	0	0.0	
		535100	Medical Services	0	2	2	0	0	0	0.0	
		535200	Professional Services	0.01	3	7	0	0	0	0.0	
		535300	Other Services	0.06	20.3	25	0	0	0	0.0	
		535400	Audit Services	6.4	10.9	8.9	0	0	0	0.0	
		535600	IT Services	7.66	34	20	0	0	0	0.0	
		542100	Employee I/S Mileage & Fares	0.44	0.5	0.5	0	0	0	0.0	
		542200	Employee I/S Meals & Lodging	0	2	2	0	0	0	0.0	
		542300	Brd & Comm Mbr Meals & Lodgin	4.23	6.5	6.5	0	0	0	0.0	
		542310	Brd & Comm Mbr Mileage & Fares	3.89	4.7	4.7	0	0	0	0.0	
		542800	State Transp Pool Charges	0	0.4	0.4	0	0	0	0.0	
		543500	Maint - Supplies	0.1	0	0.1	0	0	0	0.0	
		543830	IT HW/SW Agreements	9.47	12.2	12.2	0	0	0	0.0	
		544000	Supply Inventory IT	5.12	5.4	5.4	0	0	0	0.0	
		544100	Supplies-Office Supplies	0.48	3	2.2	0	0	0	0.0	
		544400	Supplies-Field Supplies	0.71	0	0.8	0	0	0	0.0	
		544900	Supplies-Inventory Exempt	0	1.4	1.4	0	0	0	0.0	
		545600	Reporting & Recording	0	3.9	3.9	0	0	0	0.0	
		545710	DOIT HCM Assessment Fees	2.45	2.8	2.9	0	0	0	0.0	
		546100	Postage & Mail Services	1.4	2	2	0	0	0	0.0	
		546400	Rent Of Land & Buildings	57.74	59	60.1	0	0	0	0.0	
		546500	Rent Of Equipment	1.38	2	2	0	0	0	0.0	
		546600	Communications	3.3	2.7	3.3	0	0	0	0.0	
		546610	DOIT Telecommunications	6.71	7	7.5	0	0	0	0.0	
		546700	Subscriptions/Dues/License Fee	2.43	7.7	5.6	0	0	0	0.0	

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

				546800	Employee Training & Education	1.97	2.7	2.7	0	0	0	0.0
				546810	Board Member Training	2	2.5	2.5	0	0	0	0.0
				547900	Miscellaneous Expense	0.21	0	0	0	0	0	0.0
				548300	Information Tech Equipment	24.17	0	0	0	0	0	0.0
				549600	Employee O/S Mileage & Fares	2.51	3.5	2.5	0	0	0	0.0
				549700	Employee O/S Meals & Lodging	4.22	4	4	0	0	0	0.0
				549800	Brd & Comm O/S Mileage & Fares	1.96	0	3	0	0	0	0.0
				549900	Brd & Comm O/S Meals & Lodgin	1.79	0	2	0	0	0	0.0
Subtotal for:	21000	P210-R	Judicial Standards Commission			1,227.37	1,306.1	1,579.6	0	0	0	0.0
21000						1,227.37	1,306.1	1,579.6	0	0	0	0.0

Totals by Line Item

BusUnit	Line Item			2025-26	2026-27	Request		Recommendation		Opbud
				Actuals	Opbud	Base	Expansion	Base	Expansion	
21000	520100	Exempt Perm Positions P/T&F/T		749.71	758.2	927.8	0	0	0	0.0
	521100	Group Insurance Premium		108.21	117.4	150.4	0	0	0	0.0
	521200	Retirement Contributions		144.24	145.9	178.4	0	0	0	0.0
	521300	F I C A		55.48	58	64	0	0	0	0.0
	521400	Workers' Comp Assessment Fee		0.07	0.2	0.1	0	0	0	0.0
	521410	GSD Work Comp Insur Premium		0.2	0.2	0.5	0	0	0	0.0
	521600	Employee Liability Ins Premium		1.66	1.7	36.4	0	0	0	0.0
	521700	RHC Act Contributions		14.99	18.4	18.9	0	0	0	0.0
	535100	Medical Services		0	2	2	0	0	0	0.0
	535200	Professional Services		0.01	3	7	0	0	0	0.0
	535300	Other Services		0.06	20.3	25	0	0	0	0.0
	535400	Audit Services		6.4	10.9	8.9	0	0	0	0.0
	535600	IT Services		7.66	34	20	0	0	0	0.0
	542100	Employee I/S Mileage & Fares		0.44	0.5	0.5	0	0	0	0.0
	542200	Employee I/S Meals & Lodging		0	2	2	0	0	0	0.0
	542300	Brd & Comm Mbr Meals & Lodging		4.23	6.5	6.5	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

542310	Brd & Comm Mbr Mileage & Fares	3.89	4.7	4.7	0	0	0	0.0
542800	State Transp Pool Charges	0	0.4	0.4	0	0	0	0.0
543500	Maint - Supplies	0.1	0	0.1	0	0	0	0.0
543830	IT HW/SW Agreements	9.47	12.2	12.2	0	0	0	0.0
544000	Supply Inventory IT	5.12	5.4	5.4	0	0	0	0.0
544100	Supplies-Office Supplies	0.48	3	2.2	0	0	0	0.0
544400	Supplies-Field Supplies	0.71	0	0.8	0	0	0	0.0
544900	Supplies-Inventory Exempt	0	1.4	1.4	0	0	0	0.0
545600	Reporting & Recording	0	3.9	3.9	0	0	0	0.0
545710	DOIT HCM Assessment Fees	2.45	2.8	2.9	0	0	0	0.0
546100	Postage & Mail Services	1.4	2	2	0	0	0	0.0
546400	Rent Of Land & Buildings	57.74	59	60.1	0	0	0	0.0
546500	Rent Of Equipment	1.38	2	2	0	0	0	0.0
546600	Communications	3.3	2.7	3.3	0	0	0	0.0
546610	DOIT Telecommunications	6.71	7	7.5	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	2.43	7.7	5.6	0	0	0	0.0
546800	Employee Training & Education	1.97	2.7	2.7	0	0	0	0.0
546810	Board Member Training	2	2.5	2.5	0	0	0	0.0
547900	Miscellaneous Expense	0.21	0	0	0	0	0	0.0
548300	Information Tech Equipment	24.17	0	0	0	0	0	0.0
549600	Employee O/S Mileage & Fares	2.51	3.5	2.5	0	0	0	0.0
549700	Employee O/S Meals & Lodging	4.22	4	4	0	0	0	0.0
549800	Brd & Comm O/S Mileage & Fares	1.96	0	3	0	0	0	0.0
549900	Brd & Comm O/S Meals & Lodging	1.79	0	2	0	0	0	0.0
Grand Total		1,227.37	1,306.1	1,579.6	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

State of New Mexico
Contract by PCode Detail
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	FY 2028 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	0.0	7.0	0.0	0.0	0.0	7.0	JSC will have microfilming in FY28 and project these costs to be greater
13500	535300	Other Services	1000	0.1	25.0	0.0	0.0	0.0	25.0	This is a new line item appropriated for FY27 contractual services for HR assistance so no actuals will reflect in FY26. We are moving funds from IT services to increase this cat to better reflect JSC HR assistance needs.
13500	535400	Audit Services	1000	6.4	8.9	0.0	0.0	0.0	8.9	JSC Audit services have increased due to new audit firm . The amount reflected is the audit firms quote for FY28
13500	535600	IT Services	1000	7.7	20.0	0.0	0.0	0.0	20.0	JSC moved funds in FY27 from the 400 Cat to the 300 Cat to offset a one time installation of a new server and will be moving funds back to the 400 cat where they are needed. JSC is projecting extensive website work in FY28 as well as normal IT contract services which projections total 20,000
TOTAL EXPENSE				14.1	62.9	0.0	0.0	0.0	62.9	

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 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 conducting 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 to the Notice of Investigation, 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 includes paying for all witness expenses such as overnight stays and mileage (witnesses may have to travel from locations throughout NM to the JSC office to testify), as well as paying for overnight stays, and 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:

Major Issues-The number of complaints filed with the JSC has significantly increased since FY24 and continues to grow. We received 164 complaints in FY24, 350 complaints in FY25, and 380 complaints in FY26. We have already received 75 complaints in the first 2 months of FY27. If that trend continues, the JSC can anticipate receiving 450 complaints in FY27. This increase is attributed to the accessibility and ease of filing complaints online through the JSC website without incurring the cost of notarization, as was previously required. Anyone can file a complaint online and the JSC receives complaints from members of the public, litigants, defendants, attorneys, relatives, other state agencies, law enforcement, judicial staff and judges. The Executive Director and the Commission itself can docket complaints on their own motion.

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

P-1 Program Overview

BU PCode
21000 P210

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 along with the complaint itself, who may dismiss allegations or the complaint in its entirety, recommend informal dispositions or recommend of formal discipline to the New Mexico Supreme Court. This means that all complaints received by the JSC must be investigated by staff even if the allegation(s) in the complaint are found to be unsubstantiated, appellate or out of the Commission's jurisdiction. Due to the increase in the number of complaints received in FY26 and the anticipated increase in complaints in FY27, the JSC requires additional staff to review, investigate and process those complaints in a timely manner. The additional staff requests include a JSC Attorney and filling an unfunded paralegal position. These positions are crucial to assist overworked staff and 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 who also supports the Executive Director. Without additional positions the JSC will not be able to timely perform its constitutionally mandated duties. This will also negatively affect the JSC's ability to meet performance measures.

The continued increase in our case load without additional staff will make it difficult to process complaints in a timely manner and result in delays for disposition not only for the complainant but also for the judge. This delay will directly impact the imposition of a recommended disposition or discipline to judges who may need training, mentoring, or removal but remain on the bench without appropriate training/mentoring because the cases will stay open for a longer period of time delaying the disposition. The delay in processing complaints is a disservice to the members of the public whose complaints will also remain pending longer than necessary.

For example, the JSC may receive a complaint alleging misconduct which impacts and impedes a court's orderly administration of the court's processes and procedures, and which needs to be addressed promptly. The JSC staff may not be able to review, investigate and report to the Commission in a timely manner due to the increased number of complaints, and the court will continue to experience misconduct until the Commission can act.

Accomplishments-In FY26 the Commission received 380 written complaints. The Commission concluded 356 cases in FY26. Of the 356 complaints concluded at the end of FY26, the Commission found grounds to recommend/negotiate for the removal of 1 judge in eight (8) cases, and 1 judge resigned from judicial office. The Commission also held eight (8) Informal Confidential Conferences in (9) cases. Additionally, one (1) case was disposed of because the judge resigned during an active investigation. One (1) judge entered into a formal mentorship. Along with these formal dispositions six (6) judges in seven (7) case received an advisory letter, four (4) judges in five (5) cases received an informal mentorship and in one (1) case a judge received 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, and 247 cases were dismissed as unsubstantiated, and 9 complaints were dismissed after supplemental investigation.

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

In FY26 the Commission continued investigating and processing complaints with minimal carry over. Due to the rule change in FY24 that removed the notarization requirement and allowed the Commission to accept complaints online, the Commission has seen significant growth in complaints filed. The Commission reviews every complaint, reviews and analyzes Staff's reports on each and every complaint and reviews thousands of documents for each meeting. The continued growth in the number of complaints received will negatively impact the Commission's ability to review and recommend the disposition of complaints in a timely manner without additional staff.

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 18 years, in which she has served as a Board member of the Albuquerque Chapter and in FY26 swerved as membership Co-Chair. In FY24 and 25 she received an award of excellence as Membership Chair for increasing the overall Albuquerque Chapters membership growth by over 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.

P-1 Program Overview

Overview of Request:

200 category base request funds the JSC's 7 filled FTE salaries and benefits to include legislative cost of living increases granted in FY27, and a request for funding an unfunded vacant paralegal position (8th FTE) 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 \$237,452.00 was derived from funding the vacant unfunded paralegal position at mid-point (\$65,200) and an Attorney position at \$105,200 and which includes employee only insurance coverage as well as costs for PERA, FICA and RHC.

The 400-category increase was derived from the JSC 2% rent escalator in their lease.

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 the 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 NMSA 34-10-1 et seq. 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, vacancies 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.

Base Budget Justification: For FY28 the overall requested increase is \$273,500.00, above the FY27 budget which includes increases in (2) two of the three (3) categories. The request includes an additional \$237,454.62 to fund (1) vacant paralegal position totaling \$92,929.00 and a new FTE request for a JSC Attorney totaling \$144,525.62 which includes all salaries and benefits.

This also includes a GSD rate increase in the 521600-line item for civil liability. This increase was a 4.7% or \$34,700 increase to the agency. These line-item charges are a set amount the agency has to pay GSD and are calculated depending on lawsuits filed against the agency. The filing of lawsuits against an agency for performing their constitutionally mandated duties is beyond the JSC's control. The JSC does not have any vacancies in which to cover these costs and is requesting the Legislature fully fund this increase. There is a slight increase in the current staff's salaries and benefits over FY27 and a 2% rent escalator of \$1,200 in the 400 category.

In FY27 during the Op-Bud submission the JSC moved a one-time expense from the 400-category, funded primarily from the Commissioners training line items, to the 300 category to cover the cost of purchasing and installing a new server. We did this at the Operating Budget submission level versus having to process a BFR. In FY28 we are moving that expense back into the 400 category to cover the training expenses needed for 3-4 Commissioners to attend the National Center of State Courts national training which specializes in ethics training for commissions. The primary increase request of \$237,454.62 in the 200 category is to fund a vacant unfunded Paralegal position and a new FTE for a JSC Attorney due to the increasing workload of the JSC and growth of complaint submissions. The funding is broken down as follows: \$170,443.00 in salaries to include \$65,208 for the unfunded paralegal; \$105,235 for the attorney position; \$19,144 in health insurance coverage to include \$9,572 per new FTE (employee only coverage); \$32,745 in PERA to include \$12,498 for the Paralegal, and \$20,247 for the Attorney; \$11,393 for FICA to include \$4,027 for the Paralegal, and \$7,366 for the Attorney; and \$3,728 in RHC to include \$1,624.00 for the Paralegal, and \$2,105 for the Attorney position.

The additional increase in the 200-category is the GSD civil liability insurance rate increase of \$34,800 over the FY27 rates. This is a 4.7% increase and JSC does not have vacancy savings or other categories in which it can draw from to fund this increase.

The 400-category increase totals an additional \$1,200 overall and includes moving the \$7,900 line-item funding back into the 400-category from the 300-category that was moved in FY27 for a one-time cost of installing a new JSC server.

Not funding the current base 200 category increase in the salaries and benefits category will create a shortfall of \$4,030 to pay for current staff benefits, which cannot be covered by any other line item. The JSC is fully staffed and does not have vacancy savings in which to draw from to cover any budget shortfalls in the salary and benefits categories.

Not funding the base increase request of \$237,452.00 to fund an unfunded vacant paralegal position and a new JSC attorney will directly impact the constitutionally mandated work of the Commission, processing and adjudication of the complaints. The current staff will not be able to keep up with the increasing workload and investigations. This means that complaints will remain open longer and the disposition or discipline of judges who may need training or mentoring will remain on the bench without the recommended and necessary training or mentoring due to staff shortages. This will also delay the Commission's review and dismissal of allegations that cannot be substantiated or are appellate in nature. By not funding these two positions JSC runs the risk of losing staff who have been extensively trained in the specialized field of judicial ethics due to an ever-increasing workload with no increase in assistance.

Not funding the additional \$1,200 in the 400-category for a 2% rent escalator contained in JSC's lease will have to be covered by the Commission training categories which funding was just restored in FY28 to send 3-4 of the 13 Commission members to a national ethics training.

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:		2025-26 Target	2025-26 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	0	No	The Commission had 2 cases in which formal charges were filed in FY26 however neither resulted in a formal hearing. The target results had to be left at zero months since there were no NFPs that went to a hearing. However, by doing so the system is showing this target as not met which is not accurate
Efficiency	Number of days for commission to file petition for temporary suspension based on knowledge of cause for emergency interim suspension	3	2	Yes	The Commission had 1 temporary suspension that was filed in 2 days
Output	Number of months for release of annual report to the public from the end of the fiscal year	4	4	Yes	The Commission released its FY25 Annual Report timely and is on track to release its FY26 timely which is after this budget submission and due on October 31, 2026

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:		2024-25 Actual	2025-26 Actual	2026-27 Budget	2027-28 Request	2027-28 Recomm
Output	Number of months for release of annual report to the public from the end of the fiscal year	0	4	4	4	
Efficiency	Number of days for commission to file petition for temporary suspension based on knowledge of cause for emergency interim suspension	3	2	4	4	
Efficiency	Average number of meeting cycles for formal hearings to be held for cases in which formal charges are filed	3	0	2	2	

**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**



STRATEGIC PLAN

***FY 2028 Appropriation Request
September 1, 2026***

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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 citizens, litigants, criminal defendants, attorneys, law enforcement, other state agencies, judicial employees and from other judges. The Executive Director and the Commission have the authority to docket a complaint.

Upon review of a complaint, the Commission may dismiss the complaint or conduct further investigation. The Commission may issue a Notice of Investigation to a judge and, after receiving a judge's response to the Notice of Investigation, 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 formal charges that could result in 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, Ph.D. (D)	Governor	7/1/24–6/30/29
6	Nancy R. Long, Esq.	Bar Commissioners	7/1/26–6/30/30
7	Howard R. Thomas, Esq.	Bar Commissioners	7/1/24–6/30/28
8	Hon. Amanda Sanchez Villabolas	Supreme Court	7/1/26–6/30/27

9	<i>Hon. Bradford J. Dalley</i>	Supreme Court	7/1/25–6/30/29
10	VACANT)	Governor	7/1/24–6/30/29
11	<i>Hon. Mickie Vega</i>	Supreme Court	7/1/23–6/30/27
12	Kristin D. Dorrell (D)	Governor	7/1/23–6/30/28
13	<i>Hon. David Overstreet</i>	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(l), the executive director is charged with establishing and maintaining a permanent office, 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: make general counsel complaints, conducting investigations, maintaining Commission records, maintaining statistics, preparing the budget; administer and account for Commission funds and preparing an annual report. The executive director and other staff conduct the Commission's day-to-day business, assist the public, process 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.

Chief Financial Officer

KRISTA M. GIANES-CHAVEZ

Investigative Trial Counsel

MARCUS BLAIS, ESQ.

INVESTIGATIVE TRIAL COUNSEL

REBECCA BEBEAU, ESQ.

Paralegal

LISA JUAREZ

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

Anyone may file a complaint against a judge. The complaint shall be written on a form authorized by the Commission or submitted through the JSC website.

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 a 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, investigation 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. Ensuring that cases that are no longer confidential are posted on the commission's website so that the public is informed about the existence and substance of matters when they are no longer confidential by law and judges are made aware of appropriate judicial behavior.
- d. Seek written opinions following recommendation for discipline by the New Mexico Supreme Court.
- e. Publish an Annual Report to the public.

By publishing an annual report which details the Commission's activities throughout the fiscal year and which details the amount and nature of dispositions.

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



FILING, REVIEW, AND INVESTIGATION OF COMPLAINTS

Anyone may file a complaint against a judge on-line via the Commission's website or may request a complaint form to file in writing. 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 reviews the complaint and will assign to staff for 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 which indicate a violation of the New Mexico Code of Judicial Conduct, or a disability, the staff completes an investigation and issues a report which is presented to the Commission for their review, deliberation and to determine an appropriate disposition. The Commission may dismiss the complaint or may issue a notice of investigation to the subject judge, to which the judge must respond. After considering the judge's response to the notice of investigation, the Commission may dismiss the matter or shall invite the judge to attend a voluntary, informal confidential conference with the Commission to determine an appropriate disposition.. The conference affords the judge an opportunity to present the response in person, offer additional explanation, 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. If a Notice of Investigation has not already been served on the judge and the a notice of formal proceedings is served, 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 may 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 recommendation. The Court will render a decision adopting, rejecting, or modifying the recommendation of the Commission or require some other action.

DISPOSITIONS

DISMISSAL

FORMAL/PUBLIC

INFORMAL/CONFIDENTIAL

Advisory Letter
Mentorship/Counseling
Training/Education

Removal
Involuntary Retirement
Discipline
Suspension
Limitations on Judicial Duties
Public Censure
Fine
Training at the Judge's Expense
Mentorship/Counseling
Any Combination of Above

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 FY2027.

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*.

FY2027 Target: 4 business days

FY2028 Requested Target: Requires four (4) 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*.

FY2027 Target: 2 meeting cycles.

FY2028 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 an *Output Measure*.

FY2027 Target: 4 months

FY2028 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.