

## New Mexico Judicial Advisory Opinions Index

<b>Number</b>	<b>Topic</b>	<b>Date</b>	<b>Code</b>	<b>Summary</b>
23-05	Recusal	26-Oct-23	21-211	Is judge disqualified from case involving an attorney who concurrently represents the judge's court?
23-04	Politics	1-Aug-23	21-004 (B) & 21-401 (C)	Is the spouse of a judge pro tempore limited in supporting political candidates?
23-03	Recusal	1-Jun-23	21-211	When municipal judge should disclose relationships with former students and limitations on personal conversations in courtroom
23-02	Reporting judicial misconduct	24-Apr-23	21-215	"Appropriate action" by judge when colleague allegedly rubber stamps law clerk's drafts of administrative appeals opinions
23-01	Recusal	23-Mar-23	21-211	Motion in divorce case seeks disqualification of judge named as fact witness in separate case criminal case against defendant
22-02	Prestige of Office	22-Oct-22	21-103	Judge's attendance at criminal hearing for close family member
22-03	Gifts, Impartiality	22-Oct-22	21-102	Participation by judge in distribution of gift cards to kinship guardians.
22-01	Gifts	28-Jun-22	21-313(A)	Attorney's offer to represent LLC for free in lawsuit where judge is not a party, but owns a share.
21-07	Gifts	2-Dec-21	21-313(A)	Attorney's offer to represent judge for free before Judicial Standards Commission
21-06	Conflicts: Staff	28-May-21	21-102	Whether hearing officer may hire former secretary for Child Support Enforcement Division as court monitor
21-04		4-May-21		No opinion issued with this number.
21-05	Extra-Judicial Activity	4-Mar-21	21-301(C)	Judge asked to serve on DRE committee activity
21-03	Ex Parte Communication	26-Feb-21	21-209(A)	Judge's discussions with mediator

21-02	Ex Parte Communication	15-Feb-21	21-209	Communications with one party by court hearing officer
21-01	Recusal	19-Jan-21	21-211	Judge asked to recuse when former employee listed as witness
20-03	Recusal	17-Jun-20	21-211	Claimed bias against lawyer after unfavorable ruling.
20-02	Recusal	28-Feb-20	21-211	Remittal of disqualification of Child Support Hearing officer by pro se party
20-01	Recusal	4-Feb-20	21-211	DA requests judge's recusal on all criminal cases because of judge's pending discrimination case against DA, judge's former employer
19-05	Bias	3-Dec-19	21-203 (A)	Judicial policy against marrying any minors under eighteen
19-04	Charitable Activity	3-Dec-19	21-203	"Christmas at the Courthouse" event work proposed to foster good will
19-02	Attorney Conflict	29-Mar-19	21-211	Previous representation of district attorney by newly appointed judge.
19-03	Charitable Activity	29-Mar-19	21-307	Limitations on judge serving work on family foundation board
19-01	Outside Employment	13-Mar-19	21-312	Judge compensated as student employment working for veterinary clinic
18-09	Business Conflict	16-Nov-18	21-103	Judge including private practice on court website.
18-08	Recusal	31-Oct-18	21-211(A)	Judge's ability to remain on cases of unsuccessful lawyer applicant for court domestic violence commissioner position after lawyer sues judge over hiring decision.
18-07	Volunteer Activity	14-Aug-18	21-301	Conditions under which judge may participate in high school mock trial competition.
18-06	Volunteer Service	11-May-18	21-301	Judge volunteering as boy scout troop leader.
18-05	Volunteer Service	11-May-18	21-301	Judge's participation in truancy intervention court.
18-04	Extra-Judicial Activity	10-Apr-18	21-301	Probate judge's service on elections committee for electric coop.
18-03	Politics	2-Mar-18	21-402(A)	Distribution of campaign literature by non-judge judicial candidate at candidate's place of business.

18-02	Conflict of Interest	28-Feb-18	21-309	Discussion of ability of pro tem judge to serve as mediator or in various other capacities.
18-01	Politics	30-Jan-18	21-211	Factors in deciding whether judge who is a candidate must disqualify self from a case involving local government body after receiving unsolicited political support from one of its members.
17-07	Impartiality	18-Dec-17	21-202	Program requests space at courthouse to offer legal services for landlord tenant cases.
17-06	Local Rules	12-Dec-17	21-101	Obligation of magistrate judge to comply with remand order requiring jury trial in misdemeanor case, despite local court rule waiving imprisonment.
17-05	Politics	7-Dec-17	21-211	Disqualification of judge having contacts with legislator who later becomes a defendant in his court.
17-04	Charitable Donations	11-Oct-17	21-307(A)	Court asked to participate in county government fundraising campaign.
17-03	Ex Parte Communication, Volunteer Service	13-Sep-17	21-103, 21- 209(A)	Judge writes article offering volunteer personal services (21-103); Judge invites public use of his personal email (21-209(A)).
17-02	Personal Conflict of Staff	25-Aug-17	21-201	Court clerk relationship with assistant DA.
17-01	Politics	6-Jul-17	21-401(C)	Limits on judge's support for spouse's candidacy.
16-05	Spouse's Employment	18-Oct-16	21-211(A)	Warrant requests of judge married to a non-supervisory level detective.
16-04	Recusal	30-Sep-16	21-211(A)	Continual business relationship with bank filing foreclosure suit before judge.
16-03	Publication	19-Sep-16	21-301	Judge writing newspaper article about death penalty.
16-02	Attorney Conflict	19-Aug-16	21-301	Part-time municipal judge representing defendant in criminal case.
16-01	Volunteer Service	8-Aug-16	21-307	Judge Organizing fundraising concert for high school band.

Special advisory opinion on social media	Social Media	15-Feb-16		Special advisory opinion on social media.
15-03	Publishing	22-Dec-15	21-103	Judge interviewed and photographed for magazine article.
15-02	Politics	16-Oct-15	21-402(E), 21-404	Can a publicly-financed judicial candidate personally solicit qualifying or seed money donations, or know the identity of such contributions from attorneys?
15-01	Volunteer Service	3-Aug-15	21-304	Judge serving on county task force on youth development program services.
14-09	Spouse's Employment	11-Dec-14	21-211	Spouse employed as compliance officer.
14-08	Reference Letter	19-Nov-14	21-103	Reference letter for judicial applicant.
14-07	Attorney Conflict	28-Oct-14	21-211	Judge formerly served as DA.
14-06	Volunteer Service	24-Sep-14	21-304	Juvenile court judge asked to serve on mayor's children's cabinet.
14-05	Recusal	23-Jul-14	21-211	District judge assigned case judge previously heard when serving as child support hearing officer.
14-04	Business Conflict	3-Jun-14	21-311	Judge who hears cases from state parks owns interest in family business with park concessions.
14-03	Business Conflict	7-Apr-14	21-301	Judge inspects school buses for two school districts on weekends.
14-02	Lobbying	20-Feb-14	21-302	Lobbying by a continuing part-time judge.
14-01	Ex Parte Communication	17-Jan-14	21-209	Judge reviewing database of convictions to set pre-trial release conditions.
13-12	Attorney Conflict	25-Nov-13	21-211	Former prosecutor's ability to preside as magistrate over pending drug court proceedings.
13-09	Business Conflict, Charitable Activity	4-Nov-13	21-307, 21-312	Judge selling pottery at charitable benefit and for personal profit.
13-10	Spouse's Employment	30-Oct-13	21-211	Judge's spouse employed as victim's advocate in DA's office.

13-08	Ex Parte Communication	30-Oct-13	21-209	Submission of post-sentencing and post-disposition probation orders without review by counsel.
13-11	Business Conflict	30-Oct-13	21-311	Renting family-owned building to medical services provider.
13-07	Attorney Conflict	9-Oct-13	21-211	Judge retained attorney who later joins local law firm.
13-06	Outside Employment	24-Sep-13	21-301	Judge hired to establish teen court in neighboring district.
13-05	Volunteer Service	9-Sep-13	21-301	Magistrate judge's service on truancy court.
13-04	Charitable Activity, Non-Profit Organization	1-Jul-13	21-103, 21-301, 21-302	Judge may write letter of support in official capacity for grant funding for nonprofit legal aid organization that advances the legal system.
13-03	Charitable Activity, Non-Profit Organization	27-Jun-13	21-301, 21-307(A)	Judge serving as non-profit board member may allow photo and bio to appear on organization's website if this info is incidental to fundraising.
13-02	Business Conflict	14-Feb-13	21-301	Part-time probate judge's election as trustee of private, non-profit electric co-op.
13-01	Business Conflict	7-Jan-13	21-211, 21-311	New judge transferring former law practice (pending contingent fees and judgments, disqualification, etc.).
12-14	Business Conflict	3-Dec-12	21-102	New judge closing former law practice (pending fees, transfer of cases, client notifications, etc.).
12-13	Law Enforcement Education	3-Dec-12	21-301	Judge's participation in mock trial to train law enforcement officers.
12-12	Extra-Judicial Activity, Non-Profit Organization	15-Nov-12	21-301, 21-307(A)	Judge serving on board of directors of non-profit organization.
12-11	Publishing	5-Nov-12	21-301	Judge's authorship of autobiographical book for sale.
12-10	Outside Employment, Volunteer Service	22-Oct-12	21-301, 21-304	Part-time judge's employment or volunteer service with government entity.
12-09	Business Conflict	2-Oct-12	21-311(B)	Judge's participation in non-commercial limited liability corporation.
12-08	Campaign Fundraising	2-Aug-12	21-402(E)	Invitation to fundraiser by judge's campaign committee suggesting campaign donation.

12-05	Outside Employment	19-Jun-12	21-301, 21-312	Judge serving as paid sports referee.
12-07	Politics	19-Jun-12	21-402	Judicial candidate inviting political party central committee to candidate's home.
12-06	Reference Letter	19-Jun-12	21-103	Judge writing reference letter for public defender applicant.
12-04	Charitable Donations	30-Apr-12	21-102, 21-103	Request to municipal judge to require Crime Stoppers donation as condition of deferred sentence.
12-03	Endorsements, Knowledge of attorney supporters	20-Feb-12	21-402	Interpretation of Rule 21-402, Comment 17, concerning a judicial candidate not soliciting endorsements or being informed of the identity of attorney supporters.
12-02	Charitable Activity	7-Feb-12	21-307(A)	2012 Code permits judge to perform and serve as talent judge at fundraiser for indigent legal services (supersedes Advisory Opinion 08-04).
12-01	Public Education	3-Jan-12	21-314	Speaking and accepting expense reimbursement at national bail bondsmen conference.
11-04	Politics	20-Dec-11	21-800(C)	Acceptance of unsolicited campaign endorsements
11-03	Business Conflict	21-Sep-11	21-500(D)	Judge's spouse bidding at public foreclosure sale ordered by another judge from same court
11-02	Recusal	24-Aug-11	21-400(A)	Recusal from criminal cases where judge's husband is state police official
11-01	Multiple Judgeships	9-Feb-11	21-500	Service by retired pro tem magistrate judge as alternate municipal judge
10-09	Prestige of Office	29-Nov-10	21-200	Limitations on recruiting judicial colleagues to attend Red Mass
10-08	Outside Employment	8-Oct-10	21-500(B)	Judge facilitating drug and alcohol classes in schools for stipend paid by DWI Fees
10-07	Recusal	19-Jul-10	21-400	Participation in criminal cases involving sheriff's office in which judge's son-in-law serves
10-06	Conflict of Interest	19-Jul-10	21-500	Propriety of salary of new judicial position being paid through contribution from county

10-05	Business Conflict	21-Apr-10	21-200(B)	Rental of retail space by court to an attorney
10-04	Volunteer Service	14-Apr-10	21-500	Judge as officer in national association of drug court professionals
10-03	Politics	15-Mar-10	21-800(C)	Requirement for campaign committee in retention election where no expenditures planned
10-02	Politics	5-Mar-10	21-800(C)	Requirement for campaign committee if judge finances own campaign
10-01	Volunteer Service	17-Feb-10	21-500(C)	Probate judge's service on Border Health Commission
09-05	Publishing	3-Nov-09	21-500(B)	Judge's poetry book acceptable, subject to avoiding judge's use of title to promote it
09-04	Recusal	3-Nov-09	21-400(A)	Judge must recuse from cases under responsibility of husband, a state police captain
09-03	Personal Conflict	15-Oct-09	21-200(A)	Judicial Education Center may support municipal judges educational travel expenses from municipal court fees
09-02	Politics	27-Apr-09	21-700(A)	Judge may not be a delegate to state political party convention
09-01	Publishing	23-Jan-09	21-500(B)	Judge may write article for national magazine on gay rights
08-06	Public Education	2-Sep-08	21-500(B)	Judge advised not to present at educational program limited to defense bar
08-05	Hiring Conflict	1-Jul-08	21-400(A)	Appellate judge may hire law clerk serving on county planning commission and hear cases from county, subject to limitations
08-04	Volunteer Service	19-May-08	21-500(C)	Judge may not donate services for charity fundraisers where his identity is known (superseded by Advisory Opinion 12-02)
08-03	Recusal	25-Feb-08	21-400(A)	Judge need not recuse from case if lawsuit filed against him by one of the parties is a sham
08-02	Recusal	25-Feb-08	21-400(A)	Judge need not recuse solely because of prior contempt ruling against counsel
08-01	Politics	18-Feb-08	21-700(A)	Judge may speak publicly against proposal to require law licenses for municipal judges

07-11	Outside Employment	23-Oct-07	21-500	Judge may host bilingual radio music program, subject to restrictions of code.
07-10	Law Practice	16-Aug-07	21-500(G)	Judge familiar with court's technology program may appear for court as party in mediation over dispute with provider.
07-09	Volunteer Service	16-Aug-07	21-500(C)	Judge should not serve on board of nonprofit organization that contracts with County to serve public hospital that is likely to appear frequently before judge.
07-08	Endorsements	24-Jul-07	21-500(C)	Family court judge should ask nonprofit organization serving family court litigants to remove his name from letterhead as founding director.
07-07	Recusal	4-Jun-07	21-400(A)	Judge need not recuse when former judge on same court appears as counsel.
07-06	Business Conflict	27-Apr-07	21-500(D)	Hearing officer may sell home to attorney with outside financing (see No. 06-06).
07-05	Attorney Conflict	19-Apr-07	21-200(A)	Judge need not recuse on request by former law partner in a domestic relations case, when sufficient time has passed and judge has issued multiple rulings
07-04	Recusal	2-Apr-07	21-500(A)	Judge should recuse in every criminal case when spouse is chief deputy district attorney for district: remittal not adequate
07-03	Politics	8-Feb-07	21-200(A)	Once assuming judicial position, probate judge must resign from elected seat on public community college board of trustees
07-02	Business Conflict	23-Jan-07	21-500(H)	Part-time probate judge may accept position as police chief for small town, under conditions to avoid conflicts interfering with performance of judicial duties
07-01	Business Conflict	17-Jan-07	21-500(D)	Judge may sell private attorney the judge's phone listing from the judge's former solo law practice, subject to conditions to avoid appearance of exploiting judicial position for private benefit



06-06	Business Conflict	14-Dec-06	21-500(D)	Hearing officer should not enter into real estate contract for sale of home to attorney who appears in front of him
06-05	Politics	11-Sep-06	21-800(D), 21-800(E)	Magistrate candidate who becomes unopposed after primary election may continue campaign fundraising to retire primary campaign debts
06-04	Charitable Activity, Prestige of Office	22-Aug-06	21-200, 21-500	Part-time municipal judge may not assume fundraising role as head of non-profit organization; judge should avoid appearance of impropriety in deciding whether to attend seminar taught by defense lawyer
06-03	Recusal	16-Jun-06	21-400(A)	Municipal judge not required to recuse from prosecutions filed by office of city attorney solely by virtue of having filed civil suit naming city attorney as party, where suit sought to resolve city's responsibility to indemnify judge
06-02	Volunteer Service	1-May-06	21-500(A), 21-500(C)	Judge may conditionally serve on Death Review Team
06-01	Business Conflict	24-Feb-06	21-200(A), 21-500(H)	Director of agency funded from court fees may serve as alternate municipal judge
05-05	Public Education	24-Aug-05	21-500(B)	Teaching evidence law for legal assistants program
05-04	Business Conflict	7-Jul-05	21-500	Renting warehouse to drug task force
05-03	Reference Letter	1-Jun-05	21-500(B)	Judge may submit reference letter for colleague to nominating commission
05-01	Outside Employment	7-Feb-05	21-500(I)	Full-time magistrate serving as tribal judge
05-02	Volunteer Service	1-Feb-05	21-200(B), 21-500(C), 21-700(A)	Service on public library board and endorsing bond issue
04-07	Volunteer Service	8-Dec-04	21-500(C), 21-901	Part-time municipal judge serving on municipal committee
04-06	Recusal	4-Nov-04	21-100, 21-200(A)	Judge's voluntary suspension pending criminal investigation of shooting in self-defense

04-05	Politics	9-Sep-04	21-700(B)	Though judicial candidates may express positions on policy issues, they are still subject to constraints
04-04	Volunteer Service	26-Jul-04	21-200(B), 21-500(C)	Participation in a "dunk-a-judge" event
04-03	Memberships	26-May-04	21-200(C)	Membership in male-only social organization
04-01	Ex Parte Communication	22-Apr-04	21-300(B)	Water adjudication judges on Court-appointed committee developing model procedures should avoid hearing comment from non-judicial members on pending procedural matters
04-02	Attorney Conflict	30-Mar-04	21-200	Attorney representing police seeking appointment as alternate municipal judge
03-02	Endorsements	8-Oct-03	21-200(B), 21-500	Presenting public television program during fundraiser
03-01	Business Conflict	31-Jul-03	21-200(A)	Referring defendants to DWI class run by judge's court administrator
02-09	Volunteer Service	9-Oct-02	21-500(C)	Serving as director of foundation created through litigation
02-08	Politics	20-Sep-02	21-700	Providing photo of retention candidate to political party
02-07	Public Education	10-Sep-02	21-500(B)	Teaching business law class
02-05	Volunteer Service	10-Sep-02	21-500	Serving on DWI Advisory Council
02-06	Volunteer Service	29-Aug-02	21-500(A)	Serving on various boards & committees
02-03	Volunteer Service	17-Jul-02	21-500(A)	Serving as statistician for sports team
02-3	Business Conflict	22-Apr-02	21-200, 21-500(I), 21-901	Pro tem judge acting as investigator; recommending pardon
02-02	Politics	3-Apr-02	21-700	Campaigning in primary though unopposed
02-04	Public Education	3-Apr-02	21-500(B)	Newspaper articles on municipal court
01-10	Politics	4-Mar-02	21-700, 21-901	Municipal judge running for non-judicial office
02-01	Politics	19-Feb-02	21-700	Using "judge" in campaign ad for different court
01-09	Attorney Conflict	22-Jan-02	21-500(D)	Financing sale of building to attorney

01-08	Public Education	29-Nov-01	21-500(A), 21-600(A), 21-600(B)	Teaching juvenile justice class; compensation
01-07	Outside Employment	18-Oct-01	21-500(I)	Serving as tribal court judge
01-05	Public Education	15-Aug-01	21-200, 21-500(D)	Probate judge taking payment to write newspaper column
04-19	Business Conflict	19-Apr-01	21-400, 21-500	Renting office space to counselors who take court referrals
01-04	Business Conflict	19-Apr-01	21-200(B), 21-400(A), 21-500(D)	Renting offices to counselors and instructors receiving referrals from court
01-03	Business Conflict	9-Apr-01	21-500	Filing bankruptcy
01-02	Volunteer Service	28-Feb-01	21-500	Service on CASA advisory board
01-01	Politics	14-Feb-01	21-800(E)	Post election fundraising: unpaid campaign debts
00-01	Funds Management	30-Jun-00	21-200, 21-500	Disbursing unclaimed litigation funds post election
99-07	Politics	22-Jul-99	21-700	Using "retain" in campaign literature: appointed judge
99-09	Outside Employment	22-Jul-99	21-500, 21-901	Part-time Municipal judge working for government agency
99-08	Business Conflict	22-Jul-99	21-200, 21-500(D)	Bidding on courthouse construction
99-06	Politics	23-Jun-99	21-200, 21-300	Bailiff as county commissioner
99-05	Volunteer Service	27-Apr-99	21-200, 21-400, 21-500	Sitting on case where organization judge belongs to files amicus brief
99-04	Politics	12-Apr-99	21-300, 21-700, 21-901	Political activity by judicial staff attorney
99-03	Volunteer Service	5-Mar-99	21-500(C)	Serving on foundation board; fundraising
99-02	Volunteer Service	4-Mar-99	21-500(A)	Serving as member of community board

99-01	Business Conflict	13-Jan-99	21-400, 21-500(A)	Conducting various outside businesses through spouse
98-05	Volunteer Service	17-Sep-98	21-500(C)	Serving on board of community corporation
98-04	Attorney Conflict	1-Sep-98	21-500	Sharing expenses of airplane with attorney
98-03	Spouse's Employment	13-May-98	21-400	Spouse as probation officer; remittal
98-01	Politics	20-Feb-98	21-500, 21-901	Fundraising by non-incumbent judicial candidate
98-02	Broadcasting	20-Feb-98	None	Permitting radio broadcast from Municipal courtroom
97-08	Recusal	29-Dec-97	21-200, 21-400(A)	Former associate or former election opponent appearing before judge
97-07	Business Conflict	20-Aug-97	21-500(D)	Sale of property to contractor bidding on court building
97-06	Attorney Conflict	30-Apr-97	21-500(D)	Renting office to attorneys
97-05	Public Education	8-Apr-97	21-300(B), 21-500(B)	Submitting newspaper articles
97-04	Endorsements	19-Mar-97	21-200(B)	Appearing on video endorsing TV network
97-03	Outside Employment, Volunteer Service	6-Mar-97	21-500(C), 21-901(C)	(1) Fundraising advice; (2) Representing another judge in court
97-01	Hiring Conflict	30-Jan-97	21-200(B), 21-500(C)	Interviewing probation officer and detention coordinator candidates
97-02	Spouse's Employment	21-Jan-97	21-200(B), 21-400(A)	Spouse serving as public defender
96-07	Politics	24-Jun-96	21-700(A), 21-700(F)	Attending national political party convention
96-08	Volunteer Service	19-Jun-96	21-500(C)	Serving on community college board
96-06	Volunteer Service	29-May-96	21-500(C)	Serving on CASA Board (hearing officer)
96-05	Public Education	13-May-96	21-300(B), 21-500(B)	Educational programming in column or talk radio
96-04	Outside Employment	6-May-96	21-500(I)	Serving as pro tem tribal court judge
96-03	Politics	24-Apr-96	21-700(C)	Running for legislature; resignation

96-02	Politics	22-Feb-96	21-700	Permissible campaigning for spouse
96-01	Politics	26-Jan-96	21-700	Signing or circulating nominating petition for judicial candidate
95-04	Attorney Conflict	27-Jul-95	21-400(A)	Hearing cases of former law partner
95-03	Endorsements	27-Jul-95	21-200(B)	Allowing photographer to display courts photo in studio
95-02	Volunteer Service	1-May-95	21-500(C)	Serving on board of victim support organization
95-01	Outside Employment	19-Jan-95	21-500(I)	Municipal judge working for county sheriff
94-06	Outside Employment	30-Aug-94	21-200, 21-300	Law clerk serving on case involving future employer (decided under pre-1995 Code)
94-05	Testimonials	26-Aug-94	21-500(D)	Public testimonial to retired judge from former litigant (decided under pre-1995 Code)
94-04	Politics	6-May-94	21-200	Court reporter chairing county political party (decided under pre-1995 Code)
92-05	Politics	8-Dec-92	21-200, 21-500	Candidates: Photos in robes; use of "judge" in literature; Judge holding office in county political party (decided under pre-1995 Code)
92-03	Politics	1-Aug-92	21-700(C)	Candidates: photos in robes; use of term "judge" in literature (decided under pre-1995 Code)
91-02	Politics	4-Jun-91	21-300	Announcing DWI sentencing policy in advance (decided under pre-1995 Code)
91-01	Spouse's Employment	6-May-91	21-200, 21-400	Judge's spouse becomes public defender (decided under pre-1995 Code)