

New Mexico Judicial Advisory Opinions Index

Number	Topic	Date	Code	Summary
25-04	Charitable activity	10/31/2025	21-307 (A)(5)	Judge serving on board of police museum
25-03	Charitable activity	10/31/2025	21-307 (A), 21-301 (A)	Judge serving on school PTA
25-02	Impartiality	10/16/2025	21-211 (A)	Impartiality of judge when court staff attorney married to public defender
24-03	Disqualification	10/1/2024	21-211 (A)	Judge hears child custody parenting cases while spouse serves as children's status quo medical provider
24-02	Disqualification	9/10/2024	21-211 (A)	Defendant behaves inappropriately toward judge's family
24-01	Charitable activity	8/26/2024	21-307 (A)	Solicitation of charitable donations by retired judge on list for pro tempore Supreme Court appointment
23-05	Recusal	10/26/2023	21-211	Is judge disqualified from case involving an attorney who concurrently represents the judge's court?
23-04	Politics	8/1/2023	21-004 (B), 21-401 (C)	Is the spouse of a judge pro tempore limited in supporting political candidates?
23-03	Recusal	6/1/2023	21-211	When municipal judge should disclose relationships with former students and limitations on personal conversations in courtroom
23-02	Reporting judicial misconduct	4/24/2023	21-215	"Appropriate action" by judge when colleague allegedly rubber stamps law clerk's drafts of administrative appeals opinions
23-01	Recusal	3/23/2023	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	10/22/2022	21-103	Judge's attendance at criminal hearing for close family member

22-03	Gifts, Impartiality	10/22/2022	21-102	Participation by judge in distribution of gift cards to kinship guardians.
22-01	Gifts	6/28/2022	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	12/2/2021	21-313(A)	Attorney's offer to represent judge for free before Judicial Standards Commission
21-06	Conflicts: Staff	5/28/2021	21-102	Whether hearing officer may hire former secretary for Child Support Enforcement Division as court monitor
21-04		5/4/2021		No opinion issued with this number.
21-05	Extra-Judicial Activity	3/4/2021	21-301(C)	Judge asked to serve on DRE committee activity
21-03	Ex Parte Communication	2/26/2021	21-209(A)	Judge's discussions with mediator
21-02	Ex Parte Communication	2/15/2021	21-209	Communications with one party by court hearing officer
21-01	Recusal	1/19/2021	21-211	Judge asked to recuse when former employee listed as witness
20-03	Recusal	6/17/2020	21-211	Claimed bias against lawyer after unfavorable ruling.
20-02	Recusal	2/28/2020	21-211	Remittal of disqualification of Child Support Hearing officer by pro se party
20-01	Recusal	2/4/2020	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	12/3/2019	21-203 (A)	Judicial policy against marrying any minors under eighteen
19-04	Charitable Activity	12/3/2019	21-203	"Christmas at the Courthouse" event work proposed to foster good will
19-02	Attorney Conflict	3/29/2019	21-211	Previous representation of district attorney by newly appointed judge.

19-03	Charitable Activity	3/29/2019	21-307	Limitations on judge serving work on family foundation board
19-01	Outside Employment	3/13/2019	21-312	Judge compensated as student employment working for veterinary clinic
18-09	Business Conflict	11/16/2018	21-103	Judge including private practice on court website.
18-08	Recusal	10/31/2018	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	8/14/2018	21-301	Conditions under which judge may participate in high school mock trial competition.
18-06	Volunteer Service	5/11/2018	21-301	Judge volunteering as boy scout troop leader.
18-05	Volunteer Service	5/11/2018	21-301	Judge's participation in truancy intervention court.
18-04	Extra-Judicial Activity	4/10/2018	21-301	Probate judge's service on elections committee for electric coop.
18-03	Politics	3/2/2018	21-402(A)	Distribution of campaign literature by non-judge judicial candidate at candidate's place of business.
18-02	Conflict of Interest	2/28/2018	21-309	Discussion of ability of pro tem judge to serve as mediator or in various other capacities.
18-01	Politics	1/30/2018	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	12/18/2017	21-202	Program requests space at courthouse to offer legal services for landlord tenant cases.
17-06	Local Rules	12/12/2017	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	12/7/2017	21-211	Disqualification of judge having contacts with legislator who later becomes a defendant in his court.

17-04	Charitable Donations	10/11/2017	21-307(A)	Court asked to participate in county government fundraising campaign.
17-03	Ex Parte Communication, Volunteer Service	9/13/2017	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	8/25/2017	21-201	Court clerk relationship with assistant DA.
17-01	Politics	7/6/2017	21-401(C)	Limits on judge's support for spouse's candidacy.
16-05	Spouse's Employment	10/18/2016	21-211(A)	Warrant requests of judge married to a non-supervisory level detective.
16-04	Recusal	9/30/2016	21-211(A)	Continual business relationship with bank filing foreclosure suit before judge.
16-03	Publication	9/19/2016	21-301	Judge writing newspaper article about death penalty.
16-02	Attorney Conflict	8/19/2016	21-301	Part-time municipal judge representing defendant in criminal case.
16-01	Volunteer Service	8/8/2016	21-307	Judge Organizing fundraising concert for high school band.
Special advisory opinion on social media	Social Media	2/15/2016		Special advisory opinion on social media.
15-03	Publishing	12/22/2015	21-103	Judge interviewed and photographed for magazine article.
15-02	Politics	10/16/2015	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	8/3/2015	21-304	Judge serving on county task force on youth development program services.
14-09	Spouse's Employment	12/11/2014	21-211	Spouse employed as compliance officer.
14-08	Reference Letter	11/19/2014	21-103	Reference letter for judicial applicant.
14-07	Attorney Conflict	10/28/2014	21-211	Judge formerly served as DA.

14-06	Volunteer Service	9/24/2014	21-304	Juvenile court judge asked to serve on mayor's children's cabinet.
14-05	Recusal	7/23/2014	21-211	District judge assigned case judge previously heard when serving as child support hearing officer.
14-04	Business Conflict	6/3/2014	21-311	Judge who hears cases from state parks owns interest in family business with park concessions.
14-03	Business Conflict	4/7/2014	21-301	Judge inspects school buses for two school districts on weekends.
14-02	Lobbying	2/20/2014	21-302	Lobbying by a continuing part-time judge.
14-01	Ex Parte Communication	1/17/2014	21-209	Judge reviewing database of convictions to set pre-trial release conditions.
13-12	Attorney Conflict	11/25/2013	21-211	Former prosecutor's ability to preside as magistrate over pending drug court proceedings.
13-09	Business Conflict, Charitable Activity	11/4/2013	21-307, 21-312	Judge selling pottery at charitable benefit and for personal profit.
13-10	Spouse's Employment	10/30/2013	21-211	Judge's spouse employed as victim's advocate in DA's office.
13-08	Ex Parte Communication	10/30/2013	21-209	Submission of post-sentencing and post-disposition probation orders without review by counsel.
13-11	Business Conflict	10/30/2013	21-311	Renting family-owned building to medical services provider.
13-07	Attorney Conflict	10/9/2013	21-211	Judge retained attorney who later joins local law firm.
13-06	Outside Employment	9/24/2013	21-301	Judge hired to establish teen court in neighboring district.
13-05	Volunteer Service	9/9/2013	21-301	Magistrate judge's service on truancy court.
13-04	Charitable Activity, Non-Profit Organization	7/1/2013	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	6/27/2013	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	2/14/2013	21-301	Part-time probate judge's election as trustee of private, non-profit electric co-op.
13-01	Business Conflict	1/7/2013	21-211, 21-311	New judge transferring former law practice (pending contingent fees and judgments, disqualification, etc.).
12-14	Business Conflict	12/3/2012	21-102	New judge closing former law practice (pending fees, transfer of cases, client notifications, etc.).
12-13	Law Enforcement Education	12/3/2012	21-301	Judge's participation in mock trial to train law enforcement officers.
12-12	Extra-Judicial Activity, Non-Profit Organization	11/15/2012	21-301, 21-307(A)	Judge serving on board of directors of non-profit organization.
12-11	Publishing	11/5/2012	21-301	Judge's authorship of autobiographical book for sale.
12-10	Outside Employment, Volunteer Service	10/22/2012	21-301, 21-304	Part-time judge's employment or volunteer service with government entity.
12-09	Business Conflict	10/2/2012	21-311(B)	Judge's participation in non-commercial limited liability corporation.
12-08	Campaign Fundraising	8/2/2012	21-402(E)	Invitation to fundraiser by judge's campaign committee suggesting campaign donation.
12-05	Outside Employment	6/19/2012	21-301, 21-312	Judge serving as paid sports referee.
12-07	Politics	6/19/2012	21-402	Judicial candidate inviting political party central committee to candidate's home.
12-06	Reference Letter	6/19/2012	21-103	Judge writing reference letter for public defender applicant.
12-04	Charitable Donations	4/30/2012	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	2/20/2012	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	2/7/2012	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	1/3/2012	21-314	Speaking and accepting expense reimbursement at national bail bondsmen conference.
11-04	Politics	12/20/2011	21-800(C)	Acceptance of unsolicited campaign endorsements
11-03	Business Conflict	9/21/2011	21-500(D)	Judge's spouse bidding at public foreclosure sale ordered by another judge from same court
11-02	Recusal	8/24/2011	21-400(A)	Recusal from criminal cases where judge's husband is state police official
11-01	Multiple Judgeships	2/9/2011	21-500	Service by retired pro tem magistrate judge as alternate municipal judge
10-09	Prestige of Office	11/29/2010	21-200	Limitations on recruiting judicial colleagues to attend Red Mass
10-08	Outside Employment	10/8/2010	21-500(B)	Judge facilitating drug and alcohol classes in schools for stipend paid by DWI Fees
10-07	Recusal	7/19/2010	21-400	Participation in criminal cases involving sheriff's office in which judge's son-in-law serves
10-06	Conflict of Interest	7/19/2010	21-500	Propriety of salary of new judicial position being paid through contribution from county
10-05	Business Conflict	4/21/2010	21-200(B)	Rental of retail space by court to an attorney
10-04	Volunteer Service	4/14/2010	21-500	Judge as officer in national association of drug court professionals
10-03	Politics	3/15/2010	21-800(C)	Requirement for campaign committee in retention election where no expenditures planned
10-02	Politics	3/5/2010	21-800(C)	Requirement for campaign committee if judge finances own campaign
10-01	Volunteer Service	2/17/2010	21-500(C)	Probate judge's service on Border Health Commission

09-05	Publishing	11/3/2009	21-500(B)	Judge's poetry book acceptable, subject to avoiding judge's use of title to promote it
09-04	Recusal	11/3/2009	21-400(A)	Judge must recuse from cases under responsibility of husband, a state police captain
09-03	Personal Conflict	10/15/2009	21-200(A)	Judicial Education Center may support municipal judges educational travel expenses from municipal court fees
09-02	Politics	4/27/2009	21-700(A)	Judge may not be a delegate to state political party convention
09-01	Publishing	1/23/2009	21-500(B)	Judge may write article for national magazine on gay rights
08-06	Public Education	9/2/2008	21-500(B)	Judge advised not to present at educational program limited to defense bar
08-05	Hiring Conflict	7/1/2008	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	5/19/2008	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	2/25/2008	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	2/25/2008	21-400(A)	Judge need not recuse solely because of prior contempt ruling against counsel
08-01	Politics	2/18/2008	21-700(A)	Judge may speak publicly against proposal to require law licenses for municipal judges
07-11	Outside Employment	10/23/2007	21-500	Judge may host bilingual radio music program, subject to restrictions of code.
07-10	Law Practice	8/16/2007	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	8/16/2007	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	7/24/2007	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	6/4/2007	21-400(A)	Judge need not recuse when former judge on same court appears as counsel.
07-06	Business Conflict	4/27/2007	21-500(D)	Hearing officer may sell home to attorney with outside financing (see No. 06-06).
07-05	Attorney Conflict	4/19/2007	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	4/2/2007	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	2/8/2007	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	1/23/2007	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	1/17/2007	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	12/14/2006	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	9/11/2006	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	8/22/2006	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	6/16/2006	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	5/1/2006	21-500(A), 21-500(C)	Judge may conditionally serve on Death Review Team
06-01	Business Conflict	2/24/2006	21-200(A), 21-500(H)	Director of agency funded from court fees may serve as alternate municipal judge
05-05	Public Education	8/24/2005	21-500(B)	Teaching evidence law for legal assistants program
05-04	Business Conflict	7/7/2005	21-500	Renting warehouse to drug task force
05-03	Reference Letter	6/1/2005	21-500(B)	Judge may submit reference letter for colleague to nominating commission
05-01	Outside Employment	2/7/2005	21-500(I)	Full-time magistrate serving as tribal judge
05-02	Volunteer Service	2/1/2005	21-200(B), 21-500(C), 21-700(A)	Service on public library board and endorsing bond issue
04-07	Volunteer Service	12/8/2004	21-500(C), 21-901	Part-time municipal judge serving on municipal committee
04-06	Recusal	11/4/2004	21-100, 21-200(A)	Judge's voluntary suspension pending criminal investigation of shooting in self-defense
04-05	Politics	9/9/2004	21-700(B)	Though judicial candidates may express positions on policy issues, they are still subject to constraints

04-04	Volunteer Service	7/26/2004	21-200(B), 21-500(C)	Participation in a "dunk-a-judge" event
04-03	Memberships	5/26/2004	21-200(C)	Membership in male-only social organization
04-01	Ex Parte Communication	4/22/2004	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	3/30/2004	21-200	Attorney representing police seeking appointment as alternate municipal judge
03-02	Endorsements	10/8/2003	21-200(B), 21-500	Presenting public television program during fundraiser
03-01	Business Conflict	7/31/2003	21-200(A)	Referring defendants to DWI class run by judge's court administrator
02-09	Volunteer Service	10/9/2002	21-500(C)	Serving as director of foundation created through litigation
02-08	Politics	9/20/2002	21-700	Providing photo of retention candidate to political party
02-07	Public Education	9/10/2002	21-500(B)	Teaching business law class
02-05	Volunteer Service	9/10/2002	21-500	Serving on DWI Advisory Council
02-06	Volunteer Service	8/29/2002	21-500(A)	Serving on various boards & committees
02-03	Volunteer Service	7/17/2002	21-500(A)	Serving as statistician for sports team
02-3	Business Conflict	4/22/2002	21-200, 21-500(I), 21-901	Pro tem judge acting as investigator; recommending pardon
02-02	Politics	4/3/2002	21-700	Campaigning in primary though unopposed
02-04	Public Education	4/3/2002	21-500(B)	Newspaper articles on municipal court
01-10	Politics	3/4/2002	21-700, 21-901	Municipal judge running for non-judicial office
02-01	Politics	2/19/2002	21-700	Using "judge" in campaign ad for different court
01-09	Attorney Conflict	1/22/2002	21-500(D)	Financing sale of building to attorney

01-08	Public Education	11/29/2001	21-500(A), 21-600(A), 21-600(B)	Teaching juvenile justice class; compensation
01-07	Outside Employment	10/18/2001	21-500(I)	Serving as tribal court judge
01-05	Public Education	8/15/2001	21-200, 21-500(D)	Probate judge taking payment to write newspaper column
04-19	Business Conflict	4/19/2001	21-400, 21-500	Renting office space to counselors who take court referrals
01-04	Business Conflict	4/19/2001	21-200(B), 21-400(A), 21-500(D)	Renting offices to counselors and instructors receiving referrals from court
01-03	Business Conflict	4/9/2001	21-500	Filing bankruptcy
01-02	Volunteer Service	2/28/2001	21-500	Service on CASA advisory board
01-01	Politics	2/14/2001	21-800(E)	Post election fundraising: unpaid campaign debts
00-01	Funds Management	6/30/2000	21-200, 21-500	Disbursing unclaimed litigation funds post election
99-07	Politics	7/22/1999	21-700	Using "retain" in campaign literature: appointed judge
99-09	Outside Employment	7/22/1999	21-500, 21-901	Part-time Municipal judge working for government agency
99-08	Business Conflict	7/22/1999	21-200, 21-500(D)	Bidding on courthouse construction
99-06	Politics	6/23/1999	21-200, 21-300	Bailiff as county commissioner
99-05	Volunteer Service	4/27/1999	21-200, 21-400, 21-500	Sitting on case where organization judge belongs to files amicus brief
99-04	Politics	4/12/1999	21-300, 21-700, 21-901	Political activity by judicial staff attorney
99-03	Volunteer Service	3/5/1999	21-500(C)	Serving on foundation board; fundraising
99-02	Volunteer Service	3/4/1999	21-500(A)	Serving as member of community board

99-01	Business Conflict	1/13/1999	21-400, 21-500(A)	Conducting various outside businesses through spouse
98-05	Volunteer Service	9/17/1998	21-500(C)	Serving on board of community corporation
98-04	Attorney Conflict	9/1/1998	21-500	Sharing expenses of airplane with attorney
98-03	Spouse's Employment	5/13/1998	21-400	Spouse as probation officer; remittal
98-01	Politics	2/20/1998	21-500, 21-901	Fundraising by non-incumbent judicial candidate
98-02	Broadcasting	2/20/1998	None	Permitting radio broadcast from Municipal courtroom
97-08	Recusal	12/29/1997	21-200, 21-400(A)	Former associate or former election opponent appearing before judge
97-07	Business Conflict	8/20/1997	21-500(D)	Sale of property to contractor bidding on court building
97-06	Attorney Conflict	4/30/1997	21-500(D)	Renting office to attorneys
97-05	Public Education	4/8/1997	21-300(B), 21-500(B)	Submitting newspaper articles
97-04	Endorsements	3/19/1997	21-200(B)	Appearing on video endorsing TV network
97-03	Outside Employment, Volunteer Service	3/6/1997	21-500(C), 21-901(C)	(1) Fundraising advice; (2) Representing another judge in court
97-01	Hiring Conflict	1/30/1997	21-200(B), 21-500(C)	Interviewing probation officer and detention coordinator candidates
97-02	Spouse's Employment	1/21/1997	21-200(B), 21-400(A)	Spouse serving as public defender
96-07	Politics	6/24/1996	21-700(A), 21-700(F)	Attending national political party convention
96-08	Volunteer Service	6/19/1996	21-500(C)	Serving on community college board
96-06	Volunteer Service	5/29/1996	21-500(C)	Serving on CASA Board (hearing officer)
96-05	Public Education	5/13/1996	21-300(B), 21-500(B)	Educational programming in column or talk radio

96-04	Outside Employment	5/6/1996	21-500(I)	Serving as pro tem tribal court judge
96-03	Politics	4/24/1996	21-700(C)	Running for legislature; resignation
96-02	Politics	2/22/1996	21-700	Permissible campaigning for spouse
96-01	Politics	1/26/1996	21-700	Signing or circulating nominating petition for judicial candidate
95-04	Attorney Conflict	7/27/1995	21-400(A)	Hearing cases of former law partner
95-03	Endorsements	7/27/1995	21-200(B)	Allowing photographer to display courts photo in studio
95-02	Volunteer Service	5/1/1995	21-500(C)	Serving on board of victim support organization
95-01	Outside Employment	1/19/1995	21-500(I)	Municipal judge working for county sheriff
94-06	Outside Employment	8/30/1994	21-200, 21-300	Law clerk serving on case involving future employer (decided under pre-1995 Code)
94-05	Testimonials	8/26/1994	21-500(D)	Public testimonial to retired judge from former litigant (decided under pre-1995 Code)
94-04	Politics	5/6/1994	21-200	Court reporter chairing county political party (decided under pre-1995 Code)
92-05	Politics	12/8/1992	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	8/1/1992	21-700(C)	Candidates: photos in robes; use of term "judge" in literature (decided under pre-1995 Code)
91-02	Politics	6/4/1991	21-300	Announcing DWI sentencing policy in advance (decided under pre-1995 Code)
91-01	Spouse's Employment	5/6/1991	21-200, 21-400	Judge's spouse becomes public defender (decided under pre-1995 Code)