



Advisory Committee on the Code of Judicial Conduct

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October 31, 2025



RE: AO 25-04

Dear Judge 

You serve as an officer of the New Mexico State Police Museum, a recently-formed charitable, non-profit corporation. The purpose of the organization is to educate the public about the history of the New Mexico State Police (NMSP) and to memorialize fallen officers. As a retired NMNSP officer, you would like to promote the museum in that capacity without identifying yourself as a judge. You have asked the Advisory Committee on the Code of Judicial Conduct whether the Code of Judicial Conduct permits your planned activities with the museum.

With limitations, the Code of Judicial Conduct permits judges to engage in extrajudicial activities, including serving as officers of charitable organizations. Rule 21-301 NMRA; Rule 21-307(A)(5) NMRA. As relevant to your inquiry, the Code prohibits judges from engaging in any extrajudicial activity that “would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.” Rule 21-301(C). Additionally, the Code requires that a judge “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.” Rule 21-102 NMRA

The Committee believes that your judicial independence and impartiality would be reasonably questioned by your participation in any way with the New Mexico State Police Museum. NMSP officers regularly appear in your court either to prosecute traffic cases or to testify as witnesses in cases initiated or investigated by the NMSP. Members of the public as well

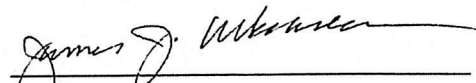
as defendants appearing before you could reasonably question whether you could fairly and impartially decide cases involving the NMSP when you have undertaken extrajudicial responsibilities that promote the NMSP and its fallen officers. *See* Rule 21-307, comment 2 (“A judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely upon a judge’s independence, integrity, and impartiality.”).

It does not matter that you will identify as a retired NMSP officer rather than as a judge in performing any activities on behalf of the museum. Rule 21-102 requires that you act to promote public confidence in the independence and impartiality of the judiciary “at all times.” You carry your official judicial position in all of your actions “at all times.”

You cannot set aside your judicial capacity in the pursuit of extrajudicial activities. *See* Rule 21-102, comment 2 (“A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code and should do so freely and willingly.”).

Nor does it impact our analysis that the museum will be located in a town that is not in the jurisdiction of your court. The purpose of the museum embraces the NMSP as an institution without any limitation as to location.

The Committee advises that the Code does not permit you to associate with the New Mexico State Police Museum in any manner. You should resign your position as an officer.


James J. Wechsler
Chair