

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **January 20, 2022**

3 **NO. 22-8500-004**

4 **IN THE MATTER OF**
5 **THE EFFECTIVE ADMINISTRATION**
6 **OF THE MAGISTRATE COURT SYSTEM**
7 **IN NEW MEXICO**

8
9 **ORDER**

10 WHEREAS, by Supreme Court Administrative Order No. 19-8500-001, *In*
11 *the Matter of the Consolidation of Administrative Functions of the District and*
12 *Magistrate Courts*, this Court directed that the administrative functions of all district
13 and magistrate courts shall be consolidated statewide, by judicial district, with the
14 chief judge in each judicial district expected to exercise administrative authority over
15 the district and magistrate courts in the judicial district in accordance with the chief
16 judge’s powers of superintending control as provided under law and by order of this
17 Court;

18 WHEREAS, the chief judge in each judicial district, through the chief judge’s
19 superintending control over magistrate courts in the judicial district, has the power
20 and obligation to oversee the conduct of the magistrate judges in the chief judge’s
21 judicial district, which may include counseling and taking corrective action to
22 address any inappropriate behavior of a magistrate judge;

1 WHEREAS, to assist the chief judges in their obligation to exercise
2 supervisory control over the magistrate judges in their respective judicial districts,
3 this Court issued Administrative Order No. 19-8500-003, *In the Matter of the*
4 *Effective Administration of the Magistrate Court System*, on April 12, 2019, to
5 provide a process for the chief judge in each judicial district to consult with the
6 Magistrate Judges Advisory Committee when, in a chief judge's discretion, doing
7 so would promote the effective administration of justice; and

8 WHEREAS, the New Mexico Judicial Council has requested and
9 recommended revisions to clarify the process for consulting with the Magistrate
10 Judges Advisory Committee, and the Court having considered the recommendation
11 and being sufficiently advised, Chief Justice Michael E. Vigil, Justice C. Shannon
12 Bacon, Justice David K. Thomson, Justice Julie J. Vargas, and Justice Briana H.
13 Zamora concurring;

14 NOW, THEREFORE, IT IS ORDERED that Supreme Court Administrative
15 Order No. 19-8500-003, *In the Matter of the Effective Administration of the*
16 *Magistrate Court System*, filed on April 12, 2019, is RESCINDED and replaced with
17 this order;

18 IT IS FURTHER ORDERED that a chief judge who knows that a magistrate
19 judge has committed a violation of the Code of Judicial Conduct that raises a

1 substantial question regarding the judge's honesty, trustworthiness, or fitness as a
2 judge in other respects shall inform the Judicial Standards Commission in
3 accordance with Rule 21-215(A) NMRA;

4 IT IS FURTHER ORDERED that a chief judge who receives information
5 indicating a substantial likelihood that a magistrate judge has committed a violation
6 of the Code of Judicial Conduct that does not raise a substantial question regarding
7 the judge's honesty, trustworthiness, or fitness as a judge in other respects, shall take
8 appropriate action in the chief judge's discretion, which may include, but is not
9 limited to, communicating directly with the magistrate judge or that magistrate
10 judge's supervising judge, referring the matter to the Magistrate Judges Advisory
11 Committee, or reporting the suspected violation to the Judicial Standards
12 Commission. *See* Rule 21-215(C) NMRA and Committee Commentary, Section 2;

13 IT IS FURTHER ORDERED that a chief judge may refer a magistrate judge
14 in the chief judge's judicial district to the Magistrate Judges Advisory Committee to
15 assess the magistrate judge's need for training and mentorship irrespective of
16 whether there may be a substantial likelihood that the magistrate judge committed a
17 violation of the Code of Judicial Conduct or is at risk for doing so in the future;

18 IT IS FURTHER ORDERED that the Magistrate Judges Advisory
19 Committee, whose members are appointed by this Court, shall function in an

1 advisory capacity to the chief judge in each judicial district to assist the chief judges
2 in counseling and mentoring magistrate judges as deemed appropriate in the
3 discretion of the chief judge;

4 IT IS FURTHER ORDERED that the chief judge in each judicial district shall
5 have the authority to require any magistrate judge within the chief judge's judicial
6 district to cooperate with the Magistrate Judges Advisory Committee or with a
7 mentor recommended by the Committee;

8 IT IS FURTHER ORDERED that, when a matter is referred to the Magistrate
9 Judges Advisory Committee by a chief judge, the Committee shall conduct an
10 investigation, meet with the referred magistrate judge in person or by telephone as
11 deemed appropriate by the Committee, and report back to the chief judge with any
12 findings and recommendations made by the Committee;

13 IT IS FURTHER ORDERED that the Administrative Office of the Courts
14 shall distribute updated procedures for the operations of the Magistrate Judges
15 Advisory Committee to reflect that it is the chief judge in each judicial district, rather
16 than the Administrative Office of the Courts, who will consult with, and take action
17 on recommendations of, the Magistrate Judges Advisory Committee. The updated
18 procedures distributed by the Administrative Office of the Courts shall include the

1 manner in which referrals are made by a chief judge and the manner in which reports
2 and recommendations are transmitted back to a chief judge; and

3 IT IS FURTHER ORDERED that any recommendations to a chief judge from
4 the Magistrate Judges Advisory Committee may be accepted, rejected, or modified,
5 as deemed appropriate in the discretion of the chief judge who referred the matter to
6 the Committee, when doing so would promote the effective administration of justice
7 in the magistrate courts.

8 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 20th day of January, 2022.

A handwritten signature in black ink that reads "Jennifer L. Scott". The signature is written in a cursive style and is positioned above a horizontal line.

Jennifer L. Scott, Chief Clerk of the Supreme Court
of the State of New Mexico

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