



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

2                               **May 26, 2023**

3   **S-1-AO-2023-00001**

4  
5   **IN THE MATTER OF THE APPARENT MISUSE OF**  
6   **EXCUSAL PROCEDURE UNDER RULE 6-106 NMRA**  
7   **BY DISTRICT ATTORNEY BERNADINE MARTIN**  
8   **AND THE ELEVENTH JUDICIAL DISTRICT**  
9   **ATTORNEY'S OFFICE, DIVISION II**

10  
11                               **ORDER**

12           WHEREAS, this matter came on for consideration by Chief Justice Bacon  
13 upon the written notice and request of Eleventh Judicial District Court Chief Judge  
14 Curtis R. Gurley, pursuant to Rule 6-106(F) NMRA;

15           WHEREAS, Rule 6-106 permits parties to excuse a judge from a proceeding  
16 under certain terms and conditions;

17           WHEREAS, pursuant to Rule 6-106(F), when

18           it appears that an attorney or group of attorneys may be using excusals  
19 for improper purposes or with such frequency as to impede the  
20 administration of justice, the Chief Judge of the district shall send a  
21 written notice to the Chief Justice of the Supreme Court and shall send  
22 a copy of the written notice to the attorney or group of attorneys  
23 believed to be improperly using the excusals;

24           WHEREAS, Chief Judge Gurley provided notice to District Attorney  
25 Bernadine Martin, as required, under Rule 6-106(F) via email dated May 23, 2023;  
26

1           WHEREAS, Chief Justice Bacon having considered the foregoing, and being  
2 sufficiently advised;

3           NOW, THEREFORE, YOU, BERNADINE MARTIN, ESQ., ARE  
4 ORDERED to provide a response to Chief Judge Gurley's written notice on or  
5 before **Wednesday, May 31, 2023, at 5:00 p.m.;**

6           IT IS FURTHER ORDERED that the written response shall not exceed five  
7 (5) pages in length; and

8           IT IS FURTHER ORDERED that your response shall be transmitted to the  
9 Chief Justice electronically by emailing it to [nmsupremecourtclerk@nmcourts.gov](mailto:nmsupremecourtclerk@nmcourts.gov);

10           IT IS SO ORDERED.

11           Done at Santa Fe, New Mexico, this 26th day of May, 2023.

12  
13           I CERTIFY AND ATTEST:  
14           A true copy was served on all parties  
15           or their counsel of record on date filed.  
                  Elizabeth A. Garcia  
                  Chief Clerk of the Supreme Court  
                  of the State of New Mexico

  
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C. Shannon Bacon, Chief Justice