

**PROPOSED REVISIONS TO THE RULES OF PROFESSIONAL CONDUCT AND THE
CODE OF JUDICIAL CONDUCT
PROPOSAL 2026-035**

March 6, 2026

The Code of Professional Conduct Committee and the Code of Judicial Conduct Committee has recommended amendments to Rules 16-805 and 21-203 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

16-804. Misconduct.

It is professional misconduct for a lawyer to:

- A. violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another;
- B. commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- C. engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- D. engage in conduct that is prejudicial to the administration of justice;
- E. state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- F. knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
- G. engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, color, national origin, ancestry, ethnicity, physical or mental disability, age, sexual orientation, gender, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, or marital status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from

a representation in accordance with Rule 16-116 NMRA. This paragraph does not preclude legitimate advice or advocacy consistent with these rules.

[As amended by Supreme Court Order No. 08-8300-029, effective November 3, 2008; as amended by Supreme Court Order No. 19-8300-012, effective December 1, 2019; as amended by Supreme Court Order No. _____, effective _____.]

Committee commentary. —

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph A, however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, which have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[3] Discrimination and harassment by lawyers in violation of Paragraph G undermine confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of Paragraph G.

[4] Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers, and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business, or social activities in connection with the practice of law. Lawyers may engage in conduct undertaken to promote diversity and inclusion without violating this rule by, for example, implementing initiatives aimed at recruiting, hiring, retaining, and advancing diverse employees or sponsoring diverse law student organizations.

[5] A lawyer does not violate Paragraph G by limiting the scope or subject matter of the lawyer's practice or by limiting the lawyer's practice to members of underserved populations in accordance with these rules and other law. A lawyer's representation of a client does not constitute an endorsement by the lawyer of the client's views or activities. *See* Rule 16-102(B) NMRA.

[6] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 16-102(D) NMRA concerning a good faith challenge to the validity, scope, meaning, or application of the law apply to challenges of legal regulation of the practice of law.

[7] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[Adopted by Supreme Court Order No. 08-8300-029, effective November 3, 2008; as amended by Supreme Court Order No. 19-8300-012, effective December 1, 2019.]

21-203. Bias, prejudice, and harassment.

A. A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

B. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, religion, color, national origin, ethnicity, ancestry, sex, sexual orientation, gender, gender identity, pregnancy, childbirth or condition related to childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental disability, serious medical condition, or military status; and shall not permit court staff, court officials, or others subject to the judge's direction or control to do so. [~~gender identity, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental handicap or serious medical condition; and shall not permit court staff, court officials, or others subject to the judge's direction or control to do so.~~]

C. A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including, but not limited to, race, religion, color, national origin, ethnicity, ancestry, sex, sexual orientation, gender, gender identity, pregnancy or condition related to pregnancy or childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental disability, serious medical condition, or military status, against parties, witnesses, lawyers, or others. [~~gender identity, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental handicap or serious medical condition, against parties, witnesses, lawyers, or others.~~]

D. The restrictions of Paragraphs B and C of this rule do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

[Adopted by Supreme Court Order No. 11-8300-045, effective January 1, 2012; as amended by Supreme Court Order No. _____, effective _____.]

Committee commentary. —

[1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

[2] Examples of manifestations of bias or prejudice include, but are not limited to, epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based on stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

[3] Harassment, as referred to in Paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, religion, color, national origin, ethnicity, ancestry, sex, sexual orientation, gender, gender identity, childbirth or condition related to pregnancy or childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental disability, serious medical condition, or military status. [~~gender identity, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental handicap or serious medical condition.~~] Judges are also subject to the New Mexico Judicial Branch harassment policy.

[4] Sexual harassment includes, but is not limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.

[Adopted by Supreme Court Order No. 11-8300-045, effective January 1, 2012; as amended by Supreme Court Order No. _____.]



New Mexico
Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Public Comment on Proposal 2026-035 — Bias, Harassment, and Discrimination

Scott Rapalee <qsgadgets@gmail.com>

Tue, Mar 10, 2026 at 8:48 AM

Reply-To: qsgadgets@gmail.com

To: rules.supremecourt@nmcourts.gov

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

RE: Public Comment on Proposal 2026-035 — Amendments to Rules 16-804(G) and 21-203 NMRA

Dear Chief Clerk Garcia,

I write in support of Proposal 2026-035 and respectfully submit this comment for the Court's consideration before the April 5, 2026 deadline.

I am a disabled pro se litigant residing in Tularosa, New Mexico. I have a brain tumor, seizure disorder, and thermoregulation impairment. My daughter is legally blind and receives SSI. My wife serves as caregiver for both of us. For four years, my family has experienced the precise judicial bias and disability discrimination these proposed amendments seek to address. Every fact stated below is supported by contemporaneous court records, emails, transcripts, IPRA responses, and admissions by the actors involved.

THE CONDUCT THESE RULES MUST REACH

1. Judicial Bias in the Twelfth Judicial District

In Case D-1215-CV-2022-00303, Judge Daniel A. Bryant presided over a fraudulent eviction in which the plaintiff had no ownership, no deed, and no broker license. Judge Bryant's own October 4, 2023 order admitted the plaintiff "never owned the property," yet he did not dismiss the case. Instead, he suppressed controlling precedent submitted by my family, continued void proceedings, and allowed our eviction on October 11, 2023 — rendering a disabled family with a legally blind child homeless.

When my wife submitted filings titled "Supplemental Information" to the court, Judicial Specialist II Leticia McPherson confirmed receipt by email on May 31, 2023. That filing label was converted into Event Code 8735, "SUPPLEMENTAL INFORMATION (HABITUAL)," a permanent administrative restriction on my party-level record in the Tyler Technologies Odyssey system used by all New Mexico courts. My own filing title was turned into a statewide blacklist — retaliation for submitting evidence proving the case was void.

2. Administrative Restriction Without Due Process

The AOC admitted in an IPRA response dated February 18, 2026 that no legal authority exists for Event Code 8735. No notice was given. No hearing was held. No due process was provided. This restriction has propagated statewide for approximately four years, resulting in denials by over 139 legal aid organizations, 500+ attorneys, and every state assistance program my family has contacted.

3. Disability Discrimination by Court Staff

On November 4, 2025, Chief Judge Bryan Biedscheid of the First Judicial District granted IFP status and ADA accommodations in Case D-101-CV-2025-02811. His own clerks defied his order, citing a phantom "controlling order." On November 21, 2025, Judge Biedscheid sent an ex parte email admitting the restriction prevents his staff from serving my family.

AOC Court Operations Director Cynthia Pacheco closed my emergency ticket (Incident #836784) on October 10, 2023 — one day before the writ of restitution that made my family homeless — marking it "Resolved (Permanently)." On December 3, 2025, she again intercepted my emergency incident, changed its status, and reassigned it within two

minutes.

4. Magistrate Court Violations

On June 17, 2022, Magistrate Judge Mickey Vega denied my family all opportunity to present evidence and ordered eviction in seven days. She failed to verify plaintiff standing, refused ADA accommodations, and was subsequently appointed to the Judicial Standards Commission — creating an unconstitutional conflict of interest over complaints filed about her conduct.

5. Closed District Power Structure

Judge Bryant is the supervising judge for both Lincoln and Otero Counties. His former supervisor was the DA who refused to prosecute crimes against my family. The current DA has a brother serving as a judge in the same district. Opposing counsel was a former Alamogordo City Attorney who practiced in Bryant's courthouse community and was hired at Bryant's direction.

WHY THE PROPOSED AMENDMENTS NEED ENFORCEMENT PROVISIONS

Proposed Rule 21-203(B) states a judge shall not manifest bias or prejudice based on physical or mental disability and "shall not permit court staff, court officials, or others subject to the judge's direction or control to do so." In my case, the supervising judge is the source of the bias, the court staff execute it, and the administrative system enforces it invisibly through Odyssey event codes that no rule currently governs.

I respectfully recommend:

(a) The amendments explicitly cover administrative systems used by courts, including case management event codes and party-level restrictions, as mechanisms through which bias can be operationalized.

(b) An independent enforcement mechanism be established for complaints against supervising judges, who cannot be effectively reviewed by courts they supervise.

(c) Mandatory reporting obligations be imposed on court-affiliated program staff who witness judicial bias or disability discrimination.

This comment is submitted for the public record.

Respectfully,

Scott A. Rapalee
[10 Rolling Stones Rd](#)
Tularosa, NM 88352
(623) 230-9559
qsgadgets@gmail.com

Referenced Cases: D-1215-CV-2022-00303; D-101-CV-2025-02811; S-1-SC-41200/41216

Mr. Scott A. Rapalee
Pro'Se litigant
[10 Rolling Stones Rd](#)
Tularosa, NM 88352
(623)230-9559
qsgadgets@gmail.com