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 pregnancy or childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental [~~handicap or~~] 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.

C. A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based [~~upon~~] on attributes including, but not limited to, race, religion, color, national origin, ethnicity, ancestry, sex, sexual orientation, gender, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental [~~handicap or~~] disability, serious medical condition, or military status, 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. S-1-RCR-2025-00155, effective December 31, 2026.]

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)~~] 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, pregnancy, childbirth or condition related to pregnancy or childbirth, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental [~~handicap or~~] disability, serious medical condition, or military status. 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. S-1-RCR-2025-00155.]