

OCT 09 2013

SUPREME COURT
LAW LIBRARY



Advisory Committee on the Code of Judicial Conduct

Hon. James J. Wechsler, Chair
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Paul L. Biderman, Esq.
Prof. Robert L. Schwartz
Hon. Freddie Romero

October 9, 2013

[REDACTED]

Re: Judicial Advisory Opinion No. 13-07

Dear [REDACTED]

You recently employed the services of an attorney to assist you in a legal matter. The attorney was a solo practitioner during the time he provided legal services to you, but he has since joined a small law firm as an associate. Prior to your hiring the attorney, the law firm represented clients in your court. You have asked the Advisory Committee on the Code of Judicial Conduct whether the Code requires your disqualification from future cases involving the law firm's attorneys other than the attorney who provided you services.

Rule 21-211 NMRA provides in relevant part:

A. A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

- (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer

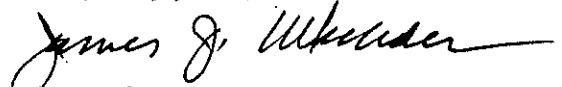
Under Rule 21-211(A), there are two inquiries that are pertinent to your request. The first is whether you would have a subjective bias that would favor attorneys in the law firm employing your former attorney if they were to appear before you. You have advised the Committee that you would have no such subjective bias.

The second inquiry is the objective one of whether your hearing such a case would raise a reasonable question of your impartiality. The Committee does not believe that it does. We note that our opinion does not address any issue concerning the attorney who provided you representation

because you have advised the Committee that you would disqualify yourself from cases involving him. The circumstances concerning the law firm are entirely different. You were never a client of the law firm and did not have an attorney-client relationship with either the law firm or any of its other attorneys. The fact that the attorney who represented you in the past is now an associate of that law firm is too remote a connection to require your disqualification.

The Committee thus believes that the Code of Judicial Conduct does not require you to disqualify yourself from cases in which attorneys of the law firm other than your former attorney represent parties in your court.

Very truly yours,


James J. Wechsler
Chair

cc: Paul L. Biderman, Esq.
Professor Robert L. Schwartz
Hon. Freddie J. Romero