

APR 21 2014

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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 J. Romero

Hon. Sandra W. Engel

April 7, 2014

[REDACTED]

Re: Judicial Advisory Opinion No. 14-03

Dear [REDACTED]

You have informed the Advisory Committee on the Code of Judicial Conduct that you are licensed by the State of New Mexico to perform inspections of school buses and have performed that work for several years. You have been asked to perform inspections for two school districts. You would be able to perform the work in approximately five or six days on weekends. You have asked the Committee whether the Code of Judicial Conduct permits you to do this work.

Rule 21-301 NMRA of the Code of Judicial Conduct permits a judge to engage in extrajudicial activities except if:

- A. the activities “will interfere with the proper performance of the judge’s judicial duties”;
- B. the activities “will lead to frequent disqualification of the judge”;
- C. participation in the activities “would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality”;
- D. the judge would be engaging “in conduct that would appear to a reasonable person to be coercive”; or
- E. the judge would “make use of court premises, staff, stationery, equipment, or other resources”

The Committee does not perceive a conflict from the information that you have provided. As to paragraph A, you will perform the work on weekends for a limited period of time. As to paragraphs B and C, you have further advised the Committee that the school districts and their officials have not previously had and do not currently have cases before your court. The Committee

points out that, if such a case should arise, you would need to consider whether you would need to disqualify yourself. See Rule 21-211 NMRA (requiring a judge to disqualify himself or herself if the judge's impartiality might reasonably be questioned). As to paragraph D, it does not appear that you have engaged in any coercive activity because you have been continuously performing this work for the school districts in the past before you became a judge. As to paragraph E, you may not, of course, utilize court premises, staff, or resources in connection with this work.

Very truly yours,



James J. Wechsler
Chair

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