



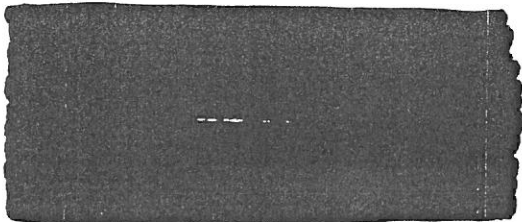
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## Advisory Committee on the Code of Judicial Conduct

Hon. James J. Wechsler, Co-Chair (ret.)  
Hon. Julie J. Vargas, Co-Chair  
Paul L. Biderman, Esq.  
Prof. Robert L. Schwartz  
Hon. Freddie J. Romero  
Hon. Sandra W. Engel

This is an advisory opinion by the New Mexico Advisory Committee on the Code of Judicial Conduct. Advisory opinions are responses to inquiries from judges seeking guidance on judicial ethics questions. They are not issued, approved, or endorsed by the New Mexico Supreme Court; nor are they binding.

August 14, 2018



Re: Judicial Advisory Opinion 18-07

Dear 

You have asked the Advisory Committee on the Code of Judicial Conduct whether you may assist a local high school with its mock trial team.

According to the Committee's understanding, the mock trial program in New Mexico, the Gene Franchini High School Mock Trial Program is administered by the Center for Civic Values, a non-profit charitable and educational foundation. High School teams compete in trials. New Mexico attorneys and judges regularly participate in judging the competition. Attorneys assist the teams in learning the skills necessary to compete.

Under the Code of Judicial Conduct, "a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational religious, charitable, fraternal, or civic organizations not conducted for profit, . . . ." Rule 21-307(A) NMRA. The Gene Franchini High School Mock Trial

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Program squarely falls within this rule. A judge's participation in the activities addressed in this rule, however, is "[s]ubject to the requirements of Rule 21-301 NMRA. Rule 21-307(A).

Rule 21-301, in addressing extrajudicial activities of a judge, permits such activities provided that the judge does not:

- A. participate in activities that will interfere with the proper performance of the judge's judicial duties;
- B. participate in activities that will lead to frequent disqualification of the judge;
- C. participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- D. engage in conduct that would appear to a reasonable person to be coercive; or
- E. make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice.

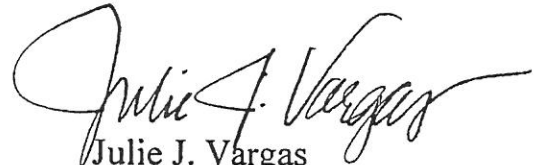
Rule 21-301 NMRA.

Generally, the Committee does not perceive that your participation assisting a local high school mock trial team in the Gene Franchini High School Mock Trial Program falls within any of these prohibitions. Of course, you must evaluate your particular circumstances. For instance, you must not spend such an irregular amount of time on the mock trial work such that it would interfere with your judicial duties in violation of subsection A. In addition, you should examine whether anything specific to your case docket would either lead to your frequent disqualification or reasonably undermine your independence, integrity, or impartiality under subsections A and B. Barring such particular circumstances, the Committee believes that you may assist a high school in its involvement in the mock trial program.

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Very truly yours,

  
James J. Wechsler  
Co-Chair

  
Julie J. Vargas  
Co-Chair

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