

March 4, 2002

Re: Judicial Advisory Opinion 01-10

Dear

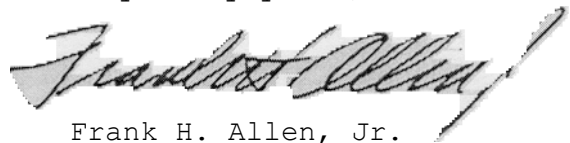
You have asked this Committee for an opinion as to whether it would violate the Code of Judicial Conduct for a part-time municipal judge to run for public office. Rule 21-700(C) NMRA 2002 provides:

No judge of any court in the State of New Mexico may while in office be nominated or elected to a public non-judicial office. A judge must, when filing a statement of candidacy for a non-judicial office, resign the judge's office immediately.

Although under Rule 21-901(C), a part-time municipal judge is not subject to several of the provisions of the Code of Judicial Conduct, Rule 21-901(C) does not exempt a part-time municipal judge from compliance with Rule 21-700(C).

Therefore, if you seek a public non-judicial office, the Code of Judicial Conduct requires that you resign as part-time municipal judge upon the filing of your statement of candidacy for the non-judicial office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Frank H. Allen, Jr.", written in a cursive style.

Frank H. Allen, Jr.
Chairman
Judicial Advisory
Committee



STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT
DIVISION IV

CHAMBERS OF
FRANK H. ALLEN, JR.
DISTRICT JUDGE

P.O. BOX 488
ALBUQUERQUE, NM 87103
(505) 841-7455

March 14, 2002

Re: Judicial Advisory Opinion 01-10

Dear

After telling you that it would be ok for you to run for public office I was corrected by one of the members of the committee that I was referring to Rule 21-500(C)2 instead of Rule 21- 700 (C) as I should have.

I'm sorry for the misinformation. See enclosed opinion from the committee.

Very truly yours,

A handwritten signature in cursive script that reads "Frank H. Allen, Jr.".

Frank H. Allen, Jr.
Chairperson
Judicial Advisory Committee

Enclosure

FHA/mah