



Advisory Committee on the Code of Judicial Conduct

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

February 17, 2010

Dear XXXXXXXXXX

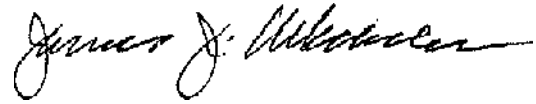
Re: Judicial Advisory Opinion No. 10-01

You have asked the Advisory Committee on the Code of Judicial Conduct whether the Code of Judicial Conduct permits you to serve as an appointed member of the United States /Mexico Border Health Commission during your service as a full-time probate judge. Your inquiry is specifically addressed in the Code.

Rule 21-500 NMRA pertains to a judge's extra judicial activities. Generally, under Rule 21-500(C)(2), a judge "shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice." It would appear that the activities of the commission you discuss would fall within this prohibition. However, the Code exempts probate judges from the prohibition of Rule 21-500(C)(2); Rule 21-901(C)(1)(b) NMRA.

The Committee therefore advises that you may accept appointment to the commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Wechsler". The signature is fluid and cursive, with a long horizontal stroke at the end.

James J. Wechsler
Chair

JJW:ow

cc: Hon. Kevin L. Fitzwater
Hon. Freddie J. Romero
Paul L. Biderman, IPL Director
Professor Robert L. Schwartz