



STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT
DIVISION IV

CHAMBERS OF
FRANK H. ALLEN, JR.
DISTRICT JUDGE

RO. BOX 488
ALBUQUERQUE, NM 87103
(505) 841.7455

July 22, 1999

Re: Judicial Advisory Opinion 99-09

Dear

In your letter to our committee you state that you are a part-time municipal judge and employed full-time by the _____ Service as a _____ Clerk. You request our opinion as to whether your employment violates the Code of Judicial Conduct.

21-901 (C). Probate and part-time magistrate and municipal judges allows a part-time judge to work at other employment and specifically provides that a part-time judge is not required to comply with the provisions of Paragraph C (2) of Rule 21-500 relating to appointment to other governmental positions.

As you stated in your letter “[a]s far as my judicial function is concerned, the only way I would have any judicial contact is if one of the students or staff [employees of the _____ service] were to transverse the municipality _____ and violate one of the town ordinances. That likelihood is very remote.”

Since you are a part-time municipal judge, this committee’s opinion is that your employment even though it is with another governmental agency is not in violation of the code.

Very truly yours,

Frank H. Allen, Jr.
Chairman
Judicial Advisory Committee