

Ethical rules apply to judges and judicial candidates in New Mexico

By Karl Reifsteck

The founders of our nation viewed a fair, impartial, and independent judiciary as a cornerstone for the government they envisioned 250 years ago when breaking free from the British monarchy. The founders wanted judges who followed the rule of law rather than the King's commands.

Under our nation's foundational principles, judges today decide legal disputes based on the law and the facts of a case. In doing that, judges must set aside their personal views and remain unwaveringly focused on the law. The requirement for fairness and impartiality is enshrined in New Mexico's Code of Judicial Conduct, which establishes mandatory ethical standards for judges to follow in their official duties and personal lives. Importantly, provisions of the Code also apply to judicial candidates.

Our system of justice would crumble if judges based their decisions on popular sentiment or personal beliefs. The rule of law – the principle that the law applies equally to all people and institutions – requires judges to impartially administer the law to every person, business or institution seeking justice.

“Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question,” the Code's interpretative commentary explains.

The New Mexico Judiciary's ethical standards are not only mandatory. They are enforceable. The state Judicial Standards Commission independently investigates allegations of misconduct by judges and judicial candidates. Disciplinary sanctions for ethical violations include suspension, censure, and permanent removal from the bench.

In this election year, it is important to remember that when a person becomes a candidate for judicial office, a higher ethical standard applies to their day-to-day conduct — what they say and what they do. This is necessary to preserve and promote public confidence in the fairness and impartiality of the judiciary. Voters should not expect judicial candidates to present a campaign platform in which they stake out their positions on legal issues. The Code, quite clearly, prohibits candidates from doing that.

“A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary,” the Code states.

The ethical rules specifically prohibit judges and candidates for judicial office from making “any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.” The Code also prohibits judges and judicial candidates from making “pledges, promises, or commitments that are inconsistent with the impartial performance” of the duties of a judicial office.

In New Mexico, magistrate judges are subject to a partisan election every four years. Appellate, district and metropolitan judges must run in partisan elections after their initial appointment for office and then periodically in non-partisan retention elections.

In looking ahead to the 250th anniversary of the Declaration of Independence, we should all cherish the vision of those leaders who crafted that remarkable document and later prepared our Constitution establishing the framework of three independent and co-equal branches of government — executive, legislative, and judicial.

The Code of Judicial Conduct helps ensure that New Mexico’s independent judiciary continues to meet its obligation to faithfully, impartially and fairly administer the law.

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