

SUPREME COURT OF NEW MEXICO

In the Matter of Hon. James Naranjo

4 N.M. 354 · No. 34,097 · Decided June 13, 2013

SUMMARY

The New Mexico Supreme Court publicly censured Magistrate Judge James Naranjo for making an ex parte telephone call to another judge seeking favorable bond or release treatment for his stepson. The Court held that the conduct violated multiple provisions of the New Mexico Code of Judicial Conduct and constituted willful misconduct in office. The Court imposed a ninety-day suspension with sixty days deferred, subject to completion of specified educational, mentorship, and probationary conditions.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Charles W. Daniels; Petra Jimenez Maes; Richard C. Bosson; Edward L. Chávez; Barbara J. Vigil
JURISDICTION	New Mexico
DECIDED	June 13, 2013
DOCKET	34,097
DISPOSITION	other
PROCEDURAL POSTURE	The Judicial Standards Commission petitioned the New Mexico Supreme Court to accept a stipulated agreement and consent to discipline entered into with Magistrate Judge James Naranjo.
STANDARD OF REVIEW	The Supreme Court independently reviews recommendations and stipulated discipline from the Judicial Standards Commission and determines whether judicial misconduct occurred and what discipline is just and proper.
PRECEDENTIAL VALUE	published

TOPICS

[administrative law](#)[constitutional law](#)[due process](#)[procedural due process](#)[judicial review of agency action](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Respondent's ex parte telephone call to the judge assigned to his stepson's case violated the New Mexico Code of Judicial Conduct.
2. Whether Respondent's conduct constituted willful misconduct in office.
3. Whether the stipulated disciplinary agreement and proposed sanctions should be accepted and imposed.

HOLDINGS

1. A judge's conscious ex parte effort to obtain favorable treatment for a relative violates the Code of Judicial Conduct provisions concerning external influences on judicial conduct, ex parte communications, abuse of the prestige of judicial office, character vouching, and statements that may interfere with a fair hearing.
2. Respondent's deliberate judge-to-judge ex parte call to influence the assigned judge's decision concerning his stepson constituted willful misconduct in office.
3. The Court accepted the stipulated agreement and imposed public censure, a ninety-day suspension without pay with sixty days deferred subject to compliance with all agreement terms, an ethics course, and formal mentorship with supervised probation.

KEY QUOTATIONS

“That constitutional provision vests this Court with the ultimate responsibility of reviewing recommendations of the Commission, determining whether a judge has committed willful misconduct, and imposing discipline that we find “just and proper.”” (¶ 2)

“We therefore accept the stipulation of the parties and issue this Opinion and public censure, both as an assurance to those we serve and as a reminder to all members of the New Mexico judiciary that we cannot permit any behavior on the part of any of our judges that creates either the reality or an appearance of judicial favoritism.” (¶ 22)

FACTUAL BACKGROUND

Respondent, a New Mexico magistrate judge, telephoned the district judge assigned to his stepson's child-support enforcement proceeding after the stepson was jailed for nonpayment of support. Respondent stated that his stepson was not a flight risk and asked the assigned judge to reduce his bond or release him, despite having no official role in the case. The assigned judge recused himself, and Respondent admitted that the call constituted willful misconduct and violated multiple provisions of the Code of Judicial Conduct.

PROCEDURAL HISTORY

After investigating Respondent's ex parte call to the judge assigned to his stepson's child-support enforcement case, the Judicial Standards Commission filed formal disciplinary proceedings alleging violations of the Code of Judicial Conduct and willful misconduct in office. Respondent admitted the conduct and violations, and he and

the Commission entered into a stipulated agreement providing for public censure, education, mentorship with supervised probation, and a ninety-day suspension with sixty days deferred. The Supreme Court accepted the agreement, imposed the discipline, and issued the opinion as a public censure.

DISPOSITION

other

CASES CITED

- In re Martinez, 99 N.M. 198, 656 P.2d 861 (1982)
- In re Ramirez, 2006-NMSC-021, 139 N.M. 529, 135 P.3d 230
- In re Larsen, 616 A.2d 529 (Pa. 1992)
- In re Marek, 609 N.E.2d 419 (Ind. 1993)
- In re Garza, 2007-NMSC-028, 141 N.M. 831, 161 P.3d 876
- In re Maestas, No. 27,348 (N.M. Sup. Ct. Mar. 5, 2002)
- In re Gentry, No. 28,986 (N.M. Sup. Ct. July 29, 2005)