

**MINUTES OF THE JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC)
January 25, 2008**

Commission Members

Present

Mr. Richard Alvidrez
Mr. Felix Briones, Jr.
Ms. Barbara Castillo-Velarde
Mr. Avilio Chavez
Ms. Phyllis Dominguez
Ms. Leonila Duran Serna
Justice Gene E. Franchini
Ms. Lori D. Hartley
Mr. Eluid Martinez
Ms. Francesca Martinez Estevez
Ms. Josephine Mitchell
Mr. Joe Gant
Ms. Ruth Schifani

Absent

Ms. D. Joy Fresquez Mynatt
Mr. Regis Pecos

Introduction of retired Chief Justice Gene Franchini

- Mr. Briones introduced retired Chief Justice Gene Franchini as the newest member to the JPEC. He will also serve as Vice Chair. In his 47 years as a member of the bar, he spent 25 years as a trial lawyer, six as a district court judge, and twelve as justice of the New Mexico Supreme Court. He was Chief Justice in 1997-1998. As Chief Justice, he created the statewide judicial performance evaluation program.

Agenda

- The Agenda was approved by the JPEC.

Minutes of December 14, 2007

- The JPEC approved the minutes for the December 14, 2007 meeting as written.

Announcements

- Mr. Briones reported that District Court Judge John Paternoster from Raton misconstrued questions on the self-evaluation. He withdrew his original response to question number 37 and modified the same.
- Court of Appeals Judge A. Joseph Alarid submitted a letter notifying the JPEC he will not stand for retention. He plans to retire.
- The planning committee for this year's Judicial Conclave has invited a presentation by the JPEC. This presentation would be part of a plenary session panel discussion tentatively titled "Judicial Performance and Campaign Ethics Issue" on 6/11/08, from 3:30 p.m. to 5:00 p.m. Judge Jim Wechsler has also been invited to address the ethics issue and possibly a Supreme Court

Disciplinary Board member as well. Louise will work with Pamela Lambert, Director of the Judicial Education Center, on the details.

2008 District Court Judges' Final Evaluations

- Members received a list of the interview leaders for Albuquerque -- 2/29/08 and 3/28/08.
- The draft narratives for the judges in the 2nd District and 13th (Judges Eichwald, McDonald and David) are due to Louise on or before 2/13/08.
- Aggregate results for the Judges in the 7th, 9th, 11th and 13th Judicial Districts are provided to the JPEC as a reference when reviewing the proposed narratives.
- The JPEC reviewed and discussed the narratives and/or recommendation for the following judges:
 - √ 3rd District - Judges Fernando Macias, Lisa Schultz and Mike Murphy
 - √ 5th District - Judge Steven Bell
 - √ 9th District - Judges Teddy Hartley, Robert Orlik, Stephen Quinn, and David Reeb Jr.
 - √ 11th District - Judges Robert Aragon, William Birdsall, John Dean, Louis DePauli, Grant Foutz, Thomas Hynes, Sandra Price, and Karen Townsend
 - √ 7th and 13th Districts - Judges Edmund Kase, Mathew Reynolds, Kevin Sweazea, Camille Olguin, Violet Otero, John Pope, and William Sanchez.
- Interviews were conducted with the following judges in Albuquerque: Judges George Eichwald, Louis McDonald, John F. Davis, Ted Baca, Theresa Baca, Clay Campbell, Neil Candelaria and Angela Jewell.
- Declaration to stand for retention with Secretary of State is 3/18/08 for the district court judges.

2008 Appellate Court Judges' Evaluations

- The surveys were mailed to the appellate population groups in January. Follow up phone calls were done to each appellate judge reminding him or her to complete the survey, if they had not already done so. Judge Jonathan Sutin's appellate paralegal notified staff from the Administrative Office of the Courts (AOC) that Judge Sutin would be sending an email to all Court of Appeals judges and staff reminding and encouraging them to complete the survey.
- The results of the appellate evaluations will be presented by Brian Sanderoff on March 28, 2008.
- Interviews are scheduled with the appellate judges for May 30 and June 27, 2008.
- Declaration to stand for retention with Secretary of State is 2/12/08 for the appellate court judges.

2008 Retention Package - Dissemination of 2008 Narrative Profiles

- The AOC budget was cut approximately \$350,000 in the contractual category. This was an honest mistake on the part of the judiciary's Legislative Finance Committee's analyst that federal funds can be used to cover general fund programs. Louise reported that the AOC was waiting to see what the House Appropriation and Finance Committee amendments are to HB 2 for the judicial branch. We hope to have some of the funding restored to the AOC for its contractual obligations. Louise will keep members informed as she gets information.
- Representative Joseph Cervantes introduced HB 142, JPEC's non-reverting fund. Louise will keep members informed as this house bill moves through the

- legislature.
- The JPEC reviewed the different options and costs proposed by Cooney, Watson & Associates. Louise also reviewed projected expenditures for FY 08. JPEC will wait to see what its budget is for FY 09 before taking any action on the FY 08 activities.

Next Scheduled Meeting

We have scheduled the next meeting for February 29, 2008 at the State Bar of New Mexico, Rodey Classroom, Albuquerque.

Minutes prepared by:

Louise Baca-Sena, AOC Staff