



Cooney, Watson & Associates, Inc. & Cooney Productions
2201 San Pedro NE, Building 2, Suite 100 • Albuquerque, NM 87110
CONTACT: Patti Watson (505) 293-2000 • 1-800-687-3417
pattiw@cooneywatson.com

Make Your Voice Heard by Voting in the Judicial Retention Elections

By Felix Briones, Jr., Co Chair
Denise Torres, Co-Chair
New Mexico Judicial Performance Evaluation Commission

American editor George Jean Nathan once said, “Bad officials are elected by good citizens who do not vote.”

In the upcoming 2010 general election, New Mexico voters will be asked whether to retain two New Mexico Supreme Court Justices and two New Mexico Court of Appeals judges. Under the state’s constitution, these individuals must receive at least 57 percent voter approval to remain on the bench.

History has shown not everyone takes the time to vote in these judicial retention races, particularly when there is a long or extensive election ballot. In 2008, for example, only about seven out of 10 New Mexico voters who participated in national and statewide elections cast their ballot in the judicial retention elections.

Why so low? One reason is because these candidates are not running as Republicans, Democrats or members of another party. So voters who choose a “straight party ticket” for the partisan elections must also cast a separate vote in each individual judicial retention election. It is also possible that voters do not know much about these candidates. Unlike politicians, judges and justices standing for retention typically do not make campaign speeches, take a position on various issues or run advertisements. Voters may not feel they have enough information to make an informed decision.

There is a way to get information on justices and judges standing for retention.

In 1997, the New Mexico Supreme Court created the non-profit, nonpartisan volunteer New Mexico Judicial Performance Evaluation Commission (JPEC) to help justices and judges improve their performance on the bench and provide useful, credible information to voters on judges and justices standing for retention so they can make an informed decision.

JPEC is made up of 15 volunteer members, including seven lawyers and eight non-lawyers, who spend hundreds of hours performing evaluations. We use an objective, carefully-monitored process to evaluate judges and justices in areas including integrity, fairness and impartiality, knowledge of the law, appropriate demeanor, respect for court employees, timeliness of rulings and ability to handle workload.

Evaluations are not based on specific decisions/opinions issued by the judge or justice. Instead, we focus on an overall evaluation of the judge’s performance on the bench.

Confidential surveys are distributed by an independent research firm to those individuals who have had direct contact or interaction with the judge or justice being evaluated. Individuals receiving surveys include court staff, law clerks, attorneys and other judges.

JPEC also conducts confidential, one-on-one interviews with each judge or justice being evaluated to share survey results and to review their self-assessment of performance.

In addition to the election-year evaluations, midway through their term on the bench, the Commission

conducts interim evaluations with each judge or justice that are not released to the public. The sole purpose of these evaluations is to indicate any areas in which the judge or justice needs to improve. These interim evaluations are conducted in enough time to allow the judge or justice to make needed improvements before we perform and release our next evaluations to the voting public.

The Commission has been performing judicial evaluations since 1997. Overall, we feel the judiciary is improving and that judges and justices have benefited from the evaluation process. Most of the justices and judges have responded positively to our suggestions on how to improve performance. Also, many judges who have received poor evaluations and/or have expressed little interest in improving their performance have either not been retained by the voters or have voluntarily left the bench.

This year, we have made major changes in the way we report our evaluations to make them more transparent and understandable to voters by including statistical results in addition to the narrative information.

The Commission makes the following recommendations to voters statewide in 2010:

Chief Justice Charles Daniels, Supreme Court of New Mexico – Retain

Justice Petra Maes, Supreme Court of New Mexico – Retain

Honorable Michael Bustamante, New Mexico Court of Appeals – Retain

Honorable Celia Foy Castillo, New Mexico Court of Appeals – Retain

Our retention recommendations are not intended to imply that every judge received excellent marks from all groups surveyed. Instead, they indicate that their overall ratings were sufficient to recommend retention and that they responded positively to suggestions for improvement.

For more information, please visit our website at www.nmjpec.org, or call Louise Baca-Sena, project manager, at (505) 827-4960.

The Judicial Performance Evaluation Commission encourages you to do your part in improving our judiciary by making your voice heard. Your vote **does** count, so please participate on Election Day by voting in all races and ballot measures, including the judicial retention elections.

Felix Briones, Jr., is a Farmington attorney who serves as co-chair of the New Mexico Judicial Performance Evaluation Commission. He has been a member of the Commission since 1997. Denise Torres is a Las Cruces attorney who serves as co-chair of the New Mexico Judicial Performance Evaluation Commission. She has been a member of the Commission since 2008.