



# JUDICIAL RETENTION REPORT TO VOTERS

*2006 Evaluation Report  
Bernalillo County*

Supreme Court of New Mexico



Judicial Performance Evaluation Commission

## Your Vote Counts!

Please vote in all judicial retention elections for which you are eligible!

**Absentee Voting Begins – October 10, 2006**

**Early Voting Begins – October 21, 2006**

**Election Day – November 7, 2006**

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## To All Bernalillo County Voters:

We are pleased to bring you this report, which contains the recommendations of the New Mexico Judicial Performance Evaluation Commission on one Supreme Court justice, three Court of Appeals judges, and 12 Metropolitan Court judges who are standing for retention this year on the Bernalillo County ballot. New Mexico’s state constitution requires that these judges receive at least 57 percent voter approval to remain on the bench.

Our Commission was created in 1997 by the Supreme Court of New Mexico to help judges improve their performance and to provide useful, credible information to the state’s voters on judges standing for retention. We conduct evaluations twice: 1) midway through a judge’s term on the bench for the purpose of improving his/her performance (midterm evaluations are not released to the public) and 2) before a retention election (these evaluations are made available to the public at least 45 days before the election).

The Commission does not evaluate judges running in a partisan election. Instead, we focus on judges and justices who have won one partisan election and who have served in their current position on the bench for at least two years.

We evaluate each justice or judge in four main areas: 1) legal ability; 2) fairness; 3) communication skills; and 4) preparation, attentiveness, temperament, and control over proceedings. We do NOT evaluate justices or judges based on specific case decisions, because it is the responsibility of the appellate courts (Court of Appeals and Supreme Court) to review those decisions.

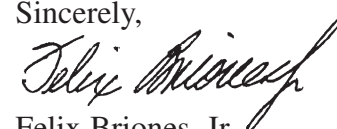
Our evaluation process involves gathering and assessing thousands of confidential surveys completed by those who have had direct interaction with the judges or justices being evaluated, including law enforcement officers, probation officers (adult and juvenile), psychologists, citizen review volunteers, social workers, law professors, CASA (Court Appointed Special Advocates), interpreters, jurors, court staff, attorneys, fellow judges and trial court judges. We also ask each justice or judge to do a self-assessment on the four criteria mentioned above. Finally, we interview each judge face-to-face before preparing our evaluation.

Once we complete the evaluation, it is sent to the justice or judge for review of the biographical information. We issue our evaluation to the public at least 45 days before the election.

Our Commission is made up of 15 members, including eight non-lawyers and seven lawyers, who are appointed to staggered terms by the Supreme Court. Commission members are nominated by the Governor, Chief Justice of the Supreme Court, Speaker of the House, President Pro Tempore, House Minority Leader, State Minority Leader and President of the State Bar. Nominees go through a rigorous screening process, and must be willing to donate a substantial amount of time to perform the duties of the Commission.

Thank you for reading this report. Your vote does count! We encourage you to do your part in improving our judiciary by making your voice heard.

Sincerely,



Felix Briones, Jr.  
Chair

# How the JPEC Conducts Evaluations

## Overall Factors

The JPEC evaluates justices and judges using an objective, carefully-monitored process. Evaluations are based on performance in four (4) main areas:

- legal ability
- fairness
- communication skills
- preparation, attentiveness, temperament, and control over proceedings

## Evaluation Process

The JPEC conducts evaluations of judges and justices twice. Midway through a judge's term in office, evaluations are conducted for the purpose of improving his or her performance in office. Midterm evaluations are not relayed to the public. Evaluations are also conducted before a retention election to provide information to voters. These evaluations are made available to the public at least 45 days before the retention election.

Evaluations are performed through:

### 1) Confidential Written surveys

*We work with an independent research firm to develop and disseminate confidential written surveys to those individuals and professionals who have worked with or come in contact with the justice or judge being evaluated.*

### 2) Personal interviews with each justice/judge being evaluated

*During confidential interviews, we discuss the survey results with the justice or judge being evaluated. We also review their self-assessment of performance.*

## Possible Recommendations

Following the interview, self-assessment and review of the survey results, the JPEC completes its evaluation, with a recommendation of:

**Retain** – recommend voting to retain judge

**Do not retain** – recommend voting against retaining judge

**No opinion** – not enough information available to make a recommendation

**No recommendation** – judge has not served for a sufficient period of time in current position (A judge must serve two years on the bench before he or she can be evaluated by the JPEC.)

The evaluation is then sent to the judge or justice for review of the biographical information.

Once the JPEC receives and reviews the judges' or justices' changes to the biographical information, the final report to voters is released to the public at least 45 days before the election.

## About Supreme Court Justices

Justices of the Supreme Court of New Mexico are elected by all voters throughout the state. The Supreme Court is New Mexico's highest court and the court of last resort for state appellate actions. In addition, the Supreme Court is charged with significant administrative functions for the Judicial Branch of Government and possesses superintending control over all inferior state courts. The Supreme Court also regulates attorneys and judges.

The Supreme Court consists of 5 justices who serve 8-year terms. To be eligible to hold the office of Justice of the Supreme Court, a person must:

- be at least 35 years old
- have practiced law for at least 10 years
- have resided in New Mexico for the last 3 years

When evaluating Supreme Court justices standing for retention, the Judicial Performance Evaluation Commission sends confidential written surveys to:

- court staff attorneys
- court staff (non-attorneys)
- current law clerks
- fellow appellate judges
- former law clerks
- law professors
- lawyers who have had direct interaction with appellate judges, including attorneys of record over which the appellate judge presided; general counsel from CYFD, Taxation and Revenue, and the Department of Transportation; and the Board of Directors of Appellate Practice.
- trial court judges whose cases have been appealed



### Supreme Court Honorable Edward L. Chavez

#### Recommendation: Retain

**Evaluation:** Justice Edward Chavez received consistently high ratings in this evaluation. He exhibits strengths in all judicial performance categories, including timely submission of his authored opinions, effectively handling his workload, working hard, and discharging administrative responsibilities diligently.

His decisions are readable and understandable. He conducts himself in a manner free from impropriety and demonstrates knowledge of substantive law. Although this evaluation indicated no specific areas of weaknesses or concern, Justice Chavez is committed to improving his own judicial skills.

**Experience & Education:** Justice Chavez was appointed to the bench on March 10, 2003 and was elected in November 2004. Before assuming the bench, he worked for 22 years in private practice. He served as President of the Legal Aid Society of Albuquerque, Chairman of the University of New Mexico Mental Health Center and Chairman of the Disciplinary Board. Justice Chavez teaches at the University of New Mexico School of Law and the National Institute of Trial Advocacy. He received his undergraduate degree from Eastern New Mexico University and his law degree from the University of New Mexico School of Law.

# About Court of Appeals Judges

Judges on the Court of Appeals are elected by voters throughout the state. The Court of Appeals is the intermediate appellate court. It sits between district courts and certain administrative agencies, which are below it, and the New Mexico Supreme Court, which is above it. The Court of Appeals currently reviews appeals in all cases, except criminal cases involving sentences of death or life imprisonment, appeals from the Public Regulation Commission, and cases involving habeas corpus.

The Court of Appeals consists of 10 judges who serve 8-year terms. To be eligible to hold the office of Judge on the Court of Appeals, a person must:

- be at least 35 years old
- have practiced law for at least 10 years
- have resided in New Mexico for the last 3 years

When evaluating Court of Appeals judges standing for retention, the Judicial Performance Evaluation Commission sends confidential written surveys to:

- court staff attorneys
- court staff (non-attorneys)
- current law clerks
- fellow appellate judges
- former law clerks
- law professors
- lawyers who have had direct interaction with appellate judges including attorneys of record over which the appellate judge presided; general counsel from CYFD, Taxation and Revenue, and the Department of Transportation; and the Board of Directors of Appellate Practice.
- trial court judges whose cases have been appealed



## Court of Appeals Honorable Cynthia A. Fry

### Recommendation: Retain

**Evaluation:** Judge Cynthia Fry received uniform high ratings as part of this evaluation. Some of her specific strengths include her ability to conduct herself in a manner free from impropriety, her demeanor, and her sound knowledge of rules of evidence and procedure. She effectively handles her ongoing workload and is diligent in carrying out her duties. Judge Fry's

opinions are understandable and clearly set forth the rules of law. This evaluation revealed no specific weaknesses. The judge is committed to continually improving her work performance.

**Experience & Education:** Judge Fry received her law degree from the University of New Mexico School of Law in 1981. She had extensive experience as a practicing lawyer prior to her seat on the New Mexico Court of Appeals on December 1, 2000. Judge Fry served on the Supreme Court's Appellate Rules Committee and as chair of the New Mexico State Bar Association's Appellate Practice Section. She is a member of the Court Improvement Project (CIP) Task Force, CIP Timeliness Subcommittee, and the Board Governing the Recording of Judicial Proceedings. In 1991, Judge Fry received the "Outstanding Contribution" Award from the New Mexico State Bar.



## Court of Appeals Honorable Lynn Pickard

### Recommendation: Retain

**Evaluation:** Judge Lynn Pickard's ratings have been uniformly high throughout this evaluation period. She exhibits strengths in all attributes of judicial performance including legal knowledge, rendering legal opinions and fairness. She is a hard worker, punctual and a highly productive judge, striving for excellence in all that she does. Although these evaluation

results raised no specific criticisms of Judge Lynn Pickard's performance, she remains committed to improving her judicial skills.

**Experience & Education:** Judge Lynn Pickard has served on the New Mexico Court of Appeals since 1991. Prior to her current position, she worked in private practice and for the New Mexico Court of Appeals as a chief staff attorney and law clerk. She received her law degree from Northeastern University School of Law and her undergraduate degree from New York University. Judge Pickard has consistently been a member of several professional organizations such as the New Mexico Women's Bar Association and the American Judicature Society. She volunteers at St. Elizabeth's Shelter as a cook.



## Court of Appeals Honorable Jim Wechsler

### Recommendation: Retain

**Evaluation:** Judge Jim Wechsler received very high ratings in all of the attributes considered in his present and previous judicial performance evaluations. His strengths include legal competence, fairness, demeanor, and communication skills. He is a hard worker who is committed to being timely in making rulings and rendering decisions. He discharges

his administrative responsibilities diligently and conducts himself in a manner free from impropriety. The overall assessment of Judge Wechsler's performance indicated he is well respected and appreciated by those who appear before him as well as colleagues in the court system.

**Experience & Education:** Judge Wechsler has served on the Court of Appeals since December 1994. He currently serves as Chair of the Advisory Committee on the Code of Judicial Conduct and as Chair of the Judiciary's Budget Committee. He is also a member of the Judicial Education and Training Advisory Committee. Judge Wechsler has served on numerous Supreme Court and State Bar Committees. Before assuming the bench, he worked in private practice. Judge Wechsler received both his undergraduate and law degree from New York University.



## Metropolitan Court Honorable Sandra J. Clinton

### Recommendation: Retain

**Evaluation:** All of the groups surveyed for this evaluation rated Judge Sandra Clinton favorably. She also received high ratings for her overall judicial performance. Some of her specific strengths include her attentiveness to proceedings, courtesy to others in the courtroom, dignified manner and her fair treatment of *pro se* parties. She was also rated

positively for ruling on motions and cases in a timely manner. In addition, Judge Clinton received positive ratings for her knowledge of the rules of procedure and evidence, and her knowledge of substantive law.

**Experience & Education:** Judge Clinton was appointed to the Bernalillo County Metropolitan Court in 1999. Her prior work experience includes service as an assistant district attorney in Bernalillo County and several years in private practice, where she concentrated on criminal and juvenile law. She is actively involved in community and professional organizations. Judge Clinton received her undergraduate degree from New Mexico State University and her law degree from the University of Utah.



## Metropolitan Court Honorable Kevin L. Fitzwater

### Recommendation: Retain

**Evaluation:** Judge Kevin Fitzwater received positive ratings from all groups surveyed in this evaluation. He is well-respected for his courteousness, dignified behavior, control over the courtroom, attentiveness to the proceedings and his communication skills. He also received positive ratings for his knowledge of the rules of procedure and evidence, and his

knowledge of substantive law. Although this evaluation revealed no specific areas of weakness for Judge Fitzwater, he is committed to ongoing self-improvement.

**Experience & Education:** Prior to his appointment to the Bernalillo County Metropolitan Court in 1997, Judge Fitzwater served as deputy district attorney in Bernalillo County. He specialized in criminal trial law and mental health law issues. Judge Fitzwater is active in various community and professional organizations and currently serves in the Marine Corps Reserve as a Lt. Colonel. He received both his undergraduate and law degrees from the University of New Mexico, and holds an MBA from National University in San Diego, California.



## Metropolitan Court Honorable Theresa A. Gomez

### Recommendation: Retain

**Evaluation:** Judge Theresa Gomez received very positive job performance ratings from all groups surveyed for this evaluation. Her specific strengths include discharging responsibilities diligently, maintaining appropriate hours, and quickly and decisively ruling on procedural and substantive matters. In

addition, Judge Gomez was rated highly for her dignified demeanor, fairness, and courteous treatment of court participants and staff. She also received very high ratings for her knowledge of the rules of procedure and evidence, and her knowledge of substantive law.

**Experience & Education:** Judge Gomez earned her law degree from the UNM School of Law in 1981 and her BS degree from the University of California-Davis. She has served on the Metropolitan Court since 1991. Her prior work experience includes service in the New Mexico Attorney General's Office, the Public Defender Department, and private practice. Judge Gomez has also served as an instructor for the American Indian Law Center.

# About Metropolitan Court Judges

In 1980, the Bernalillo County Metropolitan Court was established in Albuquerque. Metropolitan Court judges are elected by the voters of Bernalillo County to serve a 4-year term. There are 19 Metropolitan Court judges.

In addition to the limited jurisdiction provided by law for Magistrate Courts, Metropolitan Court has jurisdiction co-extensive with the county over all offenses and complaints under ordinances of the county and any municipality located within Bernalillo County. The Metropolitan Court also has jurisdiction over contested violations of parking or operation of vehicle rules for the University of New Mexico. Civil jurisdictions extend to debts and sums claimed not exceeding \$10,000 exclusive of interest and costs.

To be eligible to hold the office of Metropolitan Court judge, a person must:

- be a member of the New Mexico Bar
- have practiced law in New Mexico for a period of 3 years

When evaluating Metropolitan Court judges standing for retention, the Judicial Performance Evaluation Commission sends confidential written surveys to:

- court staff (except those who serve at the will of the judge)
- jurors
- lawyers who have had direct interaction with the judge
- resource personnel, including, but not limited to, city police, state police, sheriff's deputies, animal control officers and members of the fire department.

# Metropolitan Court Judges



## Metropolitan Court Honorable Victoria J. Grant

### Recommendation: Retain

**Evaluation:** Judge Victoria Grant has served as a Metropolitan Court Judge since 1996, and has received mixed ratings. Her specific strengths are in maintaining proper control over her courtroom,

promptness in scheduling hearings and trials, ruling on motions or cases in a timely manner, and attentiveness to proceedings. However, the Resource Staff (e.g. law enforcement officers) give her somewhat negative ratings when it comes to courteousness and for displaying a sense of fairness. She has, however, displayed a willingness to improve her judicial skills, and has exhibited a positive attitude toward self-improvement. She has also taken a leading role in the creation and operation of a Metropolitan Drug Court and the establishment of a Metropolitan Homeless Court.

**Experience & Education:** Judge Grant has served on the Bernalillo County Metropolitan Court since 1996. She graduated *magna cum laude* from North Carolina State University in 1980, with a BA degree in Sociology. She graduated from the University of Nebraska College of Law in 1983, and served as a New Mexico Assistant Attorney General and an Assistant District Attorney in the Second Judicial District. She served in private practice in both Albuquerque and Farmington, New Mexico. She has also taught courses in Sociology at the University of New Mexico and real estate law at the National Business College. She currently serves as the president of the New Mexico Association of Drug Court Professionals.



## Metropolitan Court Honorable J. Wayne Griego

### Recommendation: Retain

**Evaluation:** Judge J. Wayne Griego received positive job performance ratings from all groups surveyed for this evaluation. He received favorable scores for being courteous to all participants, his attentiveness to

the proceedings, maintaining proper control over the courtroom, and being respectful and courteous to court employees. He was also rated positively for respecting and cooperating with other judges. In addition, Judge Griego received positive ratings for his knowledge of the rules of procedure and evidence, and his knowledge of substantive law.

**Experience & Education:** Judge Griego has served on the Bernalillo County Metropolitan Court since February 2003. Prior to his service on the court, he was in private practice for 18 years. He is involved in community activities and professional organizations. He earned his undergraduate degree from the University of Albuquerque and his law degree from the University of New Mexico.



## Metropolitan Court Honorable Cristina T. Jaramillo

### Recommendation: Retain

**Evaluation:** Judge Cristina Jaramillo received mixed ratings as part of this evaluation. Some of her strengths include maintaining proper control over the

courtroom, ruling on motions and cases in a timely manner, being attentive to proceedings, and being courteous to court employees. Some of the lower scores were in the areas of prejudging the outcome of cases and not always finding facts and interpreting the law without regard to public criticism. She has displayed a willingness to improve her judicial skills and has exhibited a positive attitude toward self-improvement.

**Experience & Education:** Judge Jaramillo was appointed to the Bernalillo County Metropolitan Court in December 2002 and was elected to the position in November 2004. Prior to her judicial appointment, she was employed by the New Mexico Public Defender Department as a public defender for indigent criminal defendants. She has been involved in various professional organizations including the New Mexico Drug Court Professionals. Judge Jaramillo earned her undergraduate, masters and law degrees from the University of New Mexico.



## Metropolitan Court Honorable Anna G. Martinez

### Recommendation: Retain

**Evaluation:** Judge Anna G. Martinez's overall results were positive. She was rated well for being punctual in commencing proceedings and prompt in scheduling of hearings and trials. She was also rated

positively for her courteousness to employees. In addition, Judge Martinez has improved her judicial performance since she became a judge.

**Experience & Education:** Judge Martinez was elected to the Bernalillo County Metropolitan Court judgeship in 1994 and has continued to serve as a judge. She graduated from the University of New Mexico School of Law in 1982. She served on the Jury Improvement Standing Committee and the Judicial Conclave Planning Committee.

# Metropolitan Court Judges



## Metropolitan Court Honorable Judith K. Nakamura

### Recommendation: Retain

**Evaluation:** Judge Judith Nakamura's scores are generally positive. The attorneys rated her well for ruling on motions and cases in a timely manner,

being attentive to the proceedings, and maintaining proper control over her courtroom. Attorneys also rated her very highly for her knowledge of the rules of procedure and evidence, and her knowledge of substantive law. The court staff rated Judge Nakamura well for being punctual in commencing proceedings and discharging responsibilities diligently. The resource staff (e.g. law enforcement officers) rated Judge Nakamura positively for communicating clearly and having a dignified demeanor.

**Experience & Education:** Judge Nakamura was elected to the Bernalillo County Metropolitan Court in 1998, having previously worked in the State Land Office as general counsel and an Assistant Land Commissioner, and was in private practice with two different law firms. Her peers elected her Chief Judge in 2002 and again in 2005. She received both her undergraduate and law degrees from the University of New Mexico. In 2006, she received the Mothers Against Drunk Driving National President's Award for Judge of the Year. The Albuquerque Bar Association honored her as the "Outstanding Judge" in 2004.



## Metropolitan Court Honorable Frank A. Sedillo

### Recommendation: Retain

**Evaluation:** Judge Frank Sedillo's overall results were positive. His specific strengths include discharging administrative responsibilities diligently and maintaining appropriate hours given his

workload. He also received high ratings for being punctual in commencing proceedings and scheduling hearings and trials.

**Experience & Education:** Judge Sedillo was elected to the Bernalillo County Metropolitan Court in 2000. Before his judicial appointment, he had a private law practice in Albuquerque. He is a member of the New Mexico Bar Association and the American Bar Association. He has been very involved with the Young America Football League. He has served on numerous legal committees. He is the founder of "Jacob's Promise" — adopt a family for Christmas. Judge Sedillo received both his undergraduate and law degrees from the University of New Mexico.



## Metropolitan Court Honorable Daniel Ramczyk

### Recommendation: Retain

**Evaluation:** Judge Daniel Ramczyk's overall assessment was positive. Some of his strengths include ruling on motions and cases in a timely manner, punctuality in commencing proceedings,

and maintaining proper control over the courtroom. The evaluation also indicates that he is diligent in discharging the administrative responsibilities of the court and maintains appropriate hours given his workload. Judge Ramczyk has presided over both civil and criminal cases. He is dedicated to improving the court and his own performance.

**Experience & Education:** Judge Ramczyk was appointed to the Bernalillo County Metropolitan Court in April 2003. His prior work experience includes service as an Assistant District Attorney, Assistant City Attorney and several years in private practice. He serves as a judge for the DWI/Drug Court and is a backup judge for both the Competency and Mental Health Courts. Judge Ramczyk is also a mentor in the Bill W. Kitts Mentorship Program (older judges and lawyers mentoring new lawyers). He is a member of the NM State Bar Diversity Committee. Judge Ramczyk received both his undergraduate and law degrees from the University of New Mexico.



## Metropolitan Court Honorable Victor E. Valdez

### Recommendation: Retain

**Evaluation:** Judge Victor Valdez received generally positive ratings as part of this evaluation. Some of his strengths include having a courteous demeanor, maintaining proper control over the courtroom, being

attentive to proceedings, and discharging responsibilities diligently. He has displayed a willingness to improve his judicial skills and has exhibited a positive attitude toward self-improvement.

**Experience & Education:** Judge Valdez was appointed to the Bernalillo County Metropolitan Court in March 2004 and elected to the position in November 2004. Prior to his judicial appointment, he practiced law for 15 years. He has been involved in various community and professional organizations including the New Mexico Hispanic Bar Association, U.S. District Court Bar, New Mexico Inn of Courts and has volunteered as an assistant baseball coach and assistant den leader for Tiger Cub Scouts. Judge Valdez earned his undergraduate degree from Stanford University and his law degree from the University of New Mexico.

# Metropolitan Court Judges

## Metropolitan Court Honorable Sharon D. Walton



### Recommendation: Retain

**Evaluation:** Judge Walton received positive ratings from all populations surveyed for her evaluation. Some of her specific strengths include her diligence in discharging responsibilities, her attentiveness to the proceedings, maintaining appropriate hours, and her ability to quickly and decisively rule on procedural and substantive matters. In addition, Judge Walton was

rated positively for her knowledge of the rules of procedure and evidence. Judge Walton is committed to improving her performance.

**Experience & Education:** Judge Walton has served as a Metropolitan Court Judge since August 1999. Before her appointment, she served as Assistant Attorney General with the Criminal Appeals Division, Deputy General Counsel for the New Mexico Corrections Department, and Assistant City Attorney-General Counsel for the Albuquerque Police Department. She has been actively involved in various community and professional organizations, including the public school system and the New Mexico Women's Bar Association. Judge Walton received her undergraduate degree from New Mexico State University and her law degree from the University of New Mexico.

## The Survey Process: How JPEC Assesses Performance

The Judicial Performance Evaluation Commission (JPEC) contracts with an independent survey research firm based in Albuquerque, Research & Polling, Inc., to develop, distribute and tabulate the results of thousands of surveys assessing the performance of justices and judges standing for retention.

Research & Polling develops customized surveys for each type of court on which the justice or judge serves. The surveys vary in length from approximately 12-20 questions. The surveys include both closed-ended questions as well as open-ended questions in which respondents have an opportunity to provide additional information.

Research and Polling sends one survey for each type of court to each person, whether it is an attorney, court staff member, resource staff member (police officer, probation officer, etc), judge or juror. This survey lists all justices or judges that person has come in contact with in the particular type of court – Supreme Court, Court of Appeals, District Court, or Metropolitan Court. If an individual such as an attorney has appeared in District Court and Metropolitan Court, for example, they might receive two surveys – one listing all of the district judges with whom they have had contact and one listing all of the metropolitan court judges with whom they have had contact. They are then asked to fill out a separate survey for each judge or justice listed for each attribute on the survey.

Because the surveys are totally anonymous, Research & Polling does not know who responds to them. Typically, respondents are asked to complete and mail the survey to Research & Polling within two weeks.

Once the surveys are completed, Research & Polling tabulates the results and reports them to the JPEC in aggregate form. In addition to these surveys, JPEC also asks each judge or justice standing for retention to complete a self-assessment of their performance. The self-assessment and the aggregate results of the independent surveys are discussed at a confidential meeting between the JPEC and the justice or judge.

# A History of JPEC

The Supreme Court of New Mexico formally created the Judicial Performance Evaluation Commission (JPEC) in 1997 to:

- Improve the performance of New Mexico's judges; and
- Provide useful, credible information to New Mexico voters on all judges standing for retention during elections.

However, the history of the Judicial Performance Evaluation Commission actually goes back to April 1990, when the Supreme Court Judicial Planning Committee recommended taking steps to create a Judicial Performance Evaluation Program. Working through a subcommittee chaired by Judge A. Joseph Alarid of the New Mexico Court of Appeals, the Judicial Planning Committee recommended establishing a pilot program for judicial evaluation along the lines of a Colorado program in 1991.

For several years, the Supreme Court tried to get funding for a judicial evaluation program. In 1995, the Administrative Office of the Courts received approximately \$30,000 to set up a judicial performance evaluation pilot program to evaluate the judicial performance of District Judges in the Third Judicial District (Doña Ana County) and in the Ninth Judicial District (Curry and Roosevelt Counties).

On January 29, 1997, the Judicial Performance Evaluation Pilot Study Commission submitted its Final Report to the Supreme Court. Based on the committee's research and experience, the commission concluded that a statewide implementation of a judicial performance evaluation program for district and metropolitan court judges was both desirable and feasible.

The Supreme Court entered an Order dated February 12, 1997, establishing a permanent, statewide Judicial Performance Evaluation Program to evaluate the performance of district and metropolitan court judges who are subject to periodic retention elections and to develop and conduct an experimental program to evaluate the performance of judges and justices of the Court of Appeals and the Supreme Court.

In 1988, New Mexico voters approved a constitutional amendment adopting a merit selection process for nominating appellate, district and metropolitan court judges. All appellate, district, and metropolitan court judges who have previously been elected in a partisan election are required to stand for retention in order to retain their office.

On April 28, 1999, the Judicial Performance Evaluation Commission (JPEC) issued its Appellate Judicial Performance Evaluation Pilot Study Report to the Supreme Court, recommending implementation of an appellate judicial performance evaluation program.

Later that same year, the original Supreme Court Order was amended to include a statewide appellate judicial performance evaluation program.

Due to concern over the impact of crime and the growth of criminal and civil litigation, public attention has increasingly focused upon the operation of the courts and judicial performance. Public perception of the judiciary as a whole sometimes is colored by the results in a few high profile cases. Because of the large number of judges who appear on the retention ballot, it is increasingly difficult for individual voters, who are often without adequate or specific information, to make an informed decision concerning the performance of individual judges. That is why the JPEC takes seriously its role of providing information on judges standing for retention to the public prior to an election.

Since it was formally established and fully authorized, the JPEC has issued evaluations on more than 100 justices and judges standing for retention at the statewide, district and county levels. This year, 2006, will mark the fifth official election in which the Judicial Performance Evaluation Commission will make recommendations to voters on whether to retain judges and justices who are standing for retention.

This program remains important because of New Mexico's constitutional requirement that judges standing for retention elections must receive at least 57 percent voter approval to remain on the bench.



**Chair, Felix Briones, Jr.**  
**Farmington, JPEC Member since 1997**

Felix Briones, Jr., has been in private law practice in Farmington since 1959. He is also secretary of the board of directors of Four Corners Community Bank and is vice chair of the Farmington Public Utility Commission.

Briones earned a Bachelor of Business Administration degree from the University of New Mexico in 1956, and a Juris Doctor degree from UNM Law School in 1957. From 1957-1959, he served in the U.S. Air Force's Staff Judge Advocate's Office at Amarillo Air Force Base, Texas.

Briones is an active community volunteer. He has served on the New Mexico Mortgage Finance Authority Board, the UNM Foundation Board, and the San Juan Community College Foundation Board. In 1997, he received the UNM School of Law Distinguished Achievement Award. In 2001, he received the State Bar Association of New Mexico Professionalism Award.



**Richard L. Alvidrez**  
**Albuquerque, JPEC Member since 1999**

Richard L. Alvidrez is a shareholder and director with the Albuquerque office of Miller Stratvert P.A. He earned a Bachelor of Science degree in 1980 from Texas A&M University-Commerce, and a Juris Doctor degree from the Southern Methodist University School of Law in Dallas, Texas in 1983.

Alvidrez served as chairman of the board of the Greater Albuquerque Chamber of Commerce from 2000-2001. He was president of the New Mexico Young Lawyer's Division of the State Bar of New Mexico and was recognized as the Outstanding Young Lawyer by the New Mexico Bar Foundation in 1993.

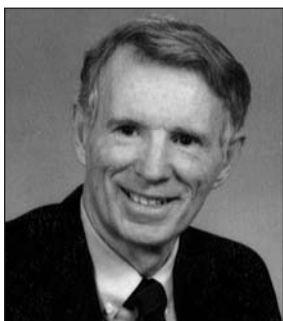
Alvidrez served as the district representative for New Mexico and Arizona for the Young Lawyer's Division of the American Bar Association and as Law Practice Notes Editor of the American Bar Association's *Barrister Magazine*. He presently serves on the boards of several community and professional organizations.



**Jerry Armijo**  
**Socorro, JPEC Member since 2003**

Jerry Armijo is a sole practitioner who has practiced law for over 20 years, focusing on banking, real estate, probate and municipal law. He serves as general counsel for First Community Bank and for the City of Socorro.

Armijo is a former member of the New Mexico Commission for Higher Education and served as chair of the organization for two years. He was former chair and is now vice chair of the Board of Regents of New Mexico Tech. He also serves on the board of directors of Teresco Inc., a nonprofit corporation serving persons with disabilities. He earned a Bachelor of Business degree from New Mexico State University in 1981 and a law degree from the University of New Mexico in 1984.



**Thomas Donnelly**  
**Santa Fe, JPEC Member since 2001**

A member of the New Mexico Bar for 44 years, Thomas Donnelly served 27 years on the bench, including eight years as a judge in the First Judicial District and 19 years as a judge on the New Mexico Court of Appeals until his retirement in 1999.

Prior to his service on the bench, Judge Donnelly was a partner in the Catron & Catron law firm in Santa Fe, and was also an assistant attorney general.

He served on the New Mexico Judicial Standards Commission for eight years. He is a past president of the First Judicial District Bar Association, a 1996 recipient of the State Bar's Outstanding Judicial Service Award, the 1990 recipient of the First District's Distinguished Service Award, and the 2000 recipient of the State Bar's Seth Montgomery Distinguished Judicial Service Award.

Donnelly earned a bachelor's degree from New Mexico State University, a master's degree from the University of New Mexico and a Juris Doctor degree from the University of Arizona. He is an Army veteran and served in Korea during the Korean War.



**Francesca Martinez Estevez**  
**Silver City, JPEC Member since 2004**

Francesca Martinez Estevez is a criminal and civil trial attorney with more than 30 years experience. Since 1995, she has served as a prosecutor at the office of the District Attorney for the Sixth Judicial District in Silver City. Currently, she is a Deputy District Attorney and the Supervisor of the Domestic Violence/Sexual Assault Unit.

Her previous experience includes positions as a child support enforcement attorney for the State of New Mexico and as a managing attorney for Southern New Mexico Legal Services.

Estevez was an adjunct professor for Seton Hall Law School in Newark, New Jersey. She earned a Bachelor of Arts degree in Political Science at City University of New York-City College and a Juris Doctor at New York Law School.

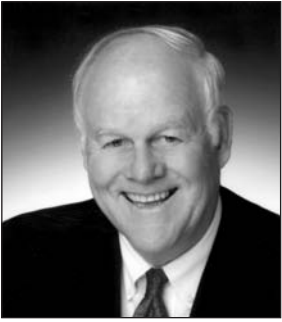
Estevez volunteers as president of the board of directors for El Refugio, a shelter for battered women. She is also a member of the Grant County Community Health Council and the Grant County Domestic Violence Task Force.



**Members**

The JPEC is made of up 15 individuals – 7 lawyers and 8 non-lawyers – who are appointed to staggered terms by the Supreme Court of New Mexico. Commission members are selected from nominations by the Governor, Chief Justice of the Supreme Court, Speaker of the House, President Pro Tempore, House Minority Leader, Senate Minority Leader and President of the State Bar.

Where possible, members are chosen to represent divergent professions, backgrounds and geographical areas of the state. Members go through a rigorous approval process and agree to donate a significant amount of time to evaluate judges midway through their terms in office as well as when they are standing for retention.



**Joseph E. Gant III**  
**Carlsbad, JPEC Member since 1999**

Joe E. Gant III has been in private law practice in Carlsbad since 1974, focusing on civil and criminal trial law. Previously, he served as an Assistant District Attorney, then worked for a private firm in Gallup before opening his own practice.

Gant earned a Bachelor of Arts degree in Economics (double minor in English and American Studies) from the University of New Mexico in 1965. He earned a Juris Doctor degree from the UNM School of Law in 1968 and served as a law clerk on the Court of Appeals to Judge Joe Wood from 1968-1969.

Gant belongs to numerous professional and community organizations, and serves as executive board member and vice president for finance for the Conquistador Council of the Boy Scouts of America.

**Lori Hartley**  
**Texico, JPEC Member since 2005**



Lori Hartley has lived in southeastern New Mexico for more than a quarter century with her husband, Tom. She earned a Bachelor of Arts degree in Interior Design from Texas State Technical Institute (now part of the Texas State Technical College network). She pursued a different area of interest at Eastern New Mexico University (ENMU) in Portales, earning a Bachelor's Degree in Secondary Education with an emphasis in coaching. While attending ENMU, she was in Epsilon Mu Beta, an academic honor organization.

Hartley was selected outstanding physical education female student of the year during her final year in college. While in high school, she coached little dribblers, assisted with community basketball camps, played on her high school's team and made the All-District team for three years. She has continued her interest in basketball, coaching several Amateur Athletic Union teams in Clovis.

Hartley has served on the board of directors of the United Way and was chosen United Way Volunteer of the Year in 1997. She is also a member of Beta Sigma Phi, a service sorority, and was previously named their woman of the year. In addition, she is a member of the Central Baptist Church in Clovis.

**Debra P. Hicks**  
**Hobbs, JPEC Member since 2005**



Debra P. Hicks, a professional engineer, has served as president of Pettigrew and Associates, a civil engineering firm in Hobbs, for the past 16 years. She is also president of Curves for Women in Hobbs.

She earned a Bachelor of Science degree in Civil Engineering from New Mexico State University in Las Cruces in 1983. Her career includes design of numerous airports, public buildings, state highways, commercial site development and municipal projects. She is a registered Professional Engineer in New Mexico, Texas, Oklahoma and Kansas. She is a member of the National Society of Professional Engineers, the American Society of Civil Engineers, the Academy of Civil Agricultural and Geological Engineering and the American Consulting Engineers Council.

Hicks serve as the chair of the Board of Trustees for the College of the Southwest. She has volunteered with the Hobbs Chamber of Commerce, the Junior Service League of Hobbs, New Mexico First, the Rotary Club of Hobbs, the Economic Development Corporation of Lea County and numerous other organizations. She was named Businesswoman of the Year in 2004 by the Business Advisory Council.

**Charles S. Lanier**  
**Albuquerque, JPEC Member since 1997**



Charles S. Lanier is chairman emeritus and former president of New Mexico Title Company, where he worked for 30 years. He currently serves as a marketing consultant for Albuquerque Title Company. Before joining New Mexico Title, he managed the University Golf Course for 10 years.

Lanier graduated from the University of New Mexico in 1943. He served aboard four aircraft carriers as a naval officer during World War II, and was flag secretary on a carrier division admiral's staff. He was a member of the board of directors of First Interstate Bank of Albuquerque for 12 years, member of the New Mexico Board of Advisors for the Mountain Bell Telephone Company for 20 years, member of the UNM Foundation Board of Directors for 12 years, chairman of the Economic Forum from 1990 to 1994, and president of Shared Vision, Inc., in 1998. He was a commissioner for the City of Albuquerque from 1954 to 1959 and has served on numerous city and state committees.

He received the New Mexico Distinguished Public Service Award in 1973 and the Spirit of Achievement Award from the National Jewish Center in 1991. He was given the honor of being inducted into the Albuquerque Senior Citizen's Hall of Fame in 1992.

**Eluid L. Martinez**  
**Santa Fe, JPEC Member since 2001**



Eluid L. Martinez is president of Water Resources Management Consultants, LLC. He served as New Mexico State Engineer from 1990 to 1994 and as the presidential-appointed Commissioner of the U.S. Bureau of Reclamation from 1995 to 2001, the first Hispanic American ever to serve as a State Engineer and as Commissioner for the Bureau.

Martinez holds a Bachelor of Science degree in Civil Engineering from New Mexico State University. He is a licensed Professional Engineer and Land Surveyor. He is a member of the board of directors of the National Water Resources Association and is a past recipient of the New Mexico Distinguished Public Service Award.



**Josephine F. Mitchell**  
**Albuquerque, JPEC Member since 2000**

Josephine F. Mitchell holds a Bachelor of Science degree in Food, Nutrition and Institutional Administration, and a Master of Science degree in Food Service Administration from Oklahoma State University. During her professional career, she held various positions as clinical dietitian in hospitals and nursing facilities in Albuquerque, and was an instructor at the University of New Mexico. From 1977 to 1983, Mitchell was food coordinator for transatlantic, transcontinental and transworld balloon flights of the Double Eagle, Kitty Hawk and Jules Verne balloons. She also served as Director of Food Service for Lovelace Medical Center for 13 years.

Mitchell actively served the Albuquerque District Dietetic Association and the New Mexico Dietetic Association from 1965 to 1981. She was a member of advisory boards for both TVI and Albuquerque Public Schools, and served on the New Mexico Food and Nutrition Licensure Board from 1989 to 1994, 1991 to 1994 as chair.

**D. “Joy” Fresquez Mynatt**  
**Las Cruces, JPEC Member since 2003**



A New Mexico native, D. “Joy” Fresquez Mynatt was born in Las Cruces at the old Memorial General Hospital. She attended New Mexico State University (NMSU), completing a Bachelor’s degree in nursing in 1998. At graduation, Mynatt received the NMSU Nursing Department’s leadership award. In addition, she was the sole recipient of the Department’s award for commitment to community service. Mynatt was also elected by her peers to speak at their graduation ceremony.

After graduation, she immediately began working in Las Cruces at Memorial Medical Center. Later, she left to work with a local cardiologist. After the birth of her first child, Joy re-entered the nursing world by taking a position at the NMSU Student Health Center. Currently, she is self-employed, owning her own business, Health and Wellness Consultants.

She is an active member of University Presbyterian Church (UPC) in Las Cruces. She serves on New Mexico State University’s Alumni Executive Council and is a member of PEO, Chapter AS.

**Ruth M. Schifani**  
**Albuquerque, JPEC Member since 1999**



Ruth M. Schifani earned a Bachelor of Arts degree, *cum laude*, in English literature in 1970 and a Juris Doctor degree, *cum laude*, in 1976, both from the University of New Mexico

She practices primarily banking and real estate law. She has represented numerous financial institutions in public finance, real estate and asset-based secured transactions throughout the State of New Mexico and has represented both bank and retail establishments in regulatory and consumer compliance matters. In real estate matters, she assists clients to negotiate, structure and document transactions involving the purchase, sale, exchange, development, leasing and financing of commercial and residential real estate.

Schifani also handles business law matters, including transactions involving the formation, merger, sale and purchase of corporations, partnerships, limited liability companies and their assets. She has been an attorney with Modrall Sperling since graduation from law school except for a short stint as Associate General Counsel for Sunwest Bank. She is past president of the Albuquerque Bar Association, a regent of the American College of Mortgage Attorneys and a member of the executive committee of the UNM Alumni Association.

**Julia Y. Seligman**  
**Albuquerque, JPEC Member since 1997**



Julia Y. Seligman earned a Bachelor of Arts degree from the University of Michigan and a Master of Arts degree from Columbia University in New York in political science.

She held a variety of positions before being involved in her home-based gift shop. She was buyer and manager for the Albuquerque Museum of Art and History Gift Shop for 19 years and left that position in 1998. She also has been involved in a family business of Indian trading posts. Seligman worked for U.S. Senators Dennis Chavez and Nelson Rockefeller in Washington, D.C., and for three judges in Albuquerque. She also taught students in both elementary school and college. She worked at RKO in public relations.

Seligman belongs to numerous boards in Albuquerque, including The Wheels Museum, Casa Angelica Foundation, the Hubbell House Alliance, the Jewish Community Center, and Rotary Club of Albuquerque,

**John J. Smoker, MD**  
**Santa Fe, JPEC Member since 2000**

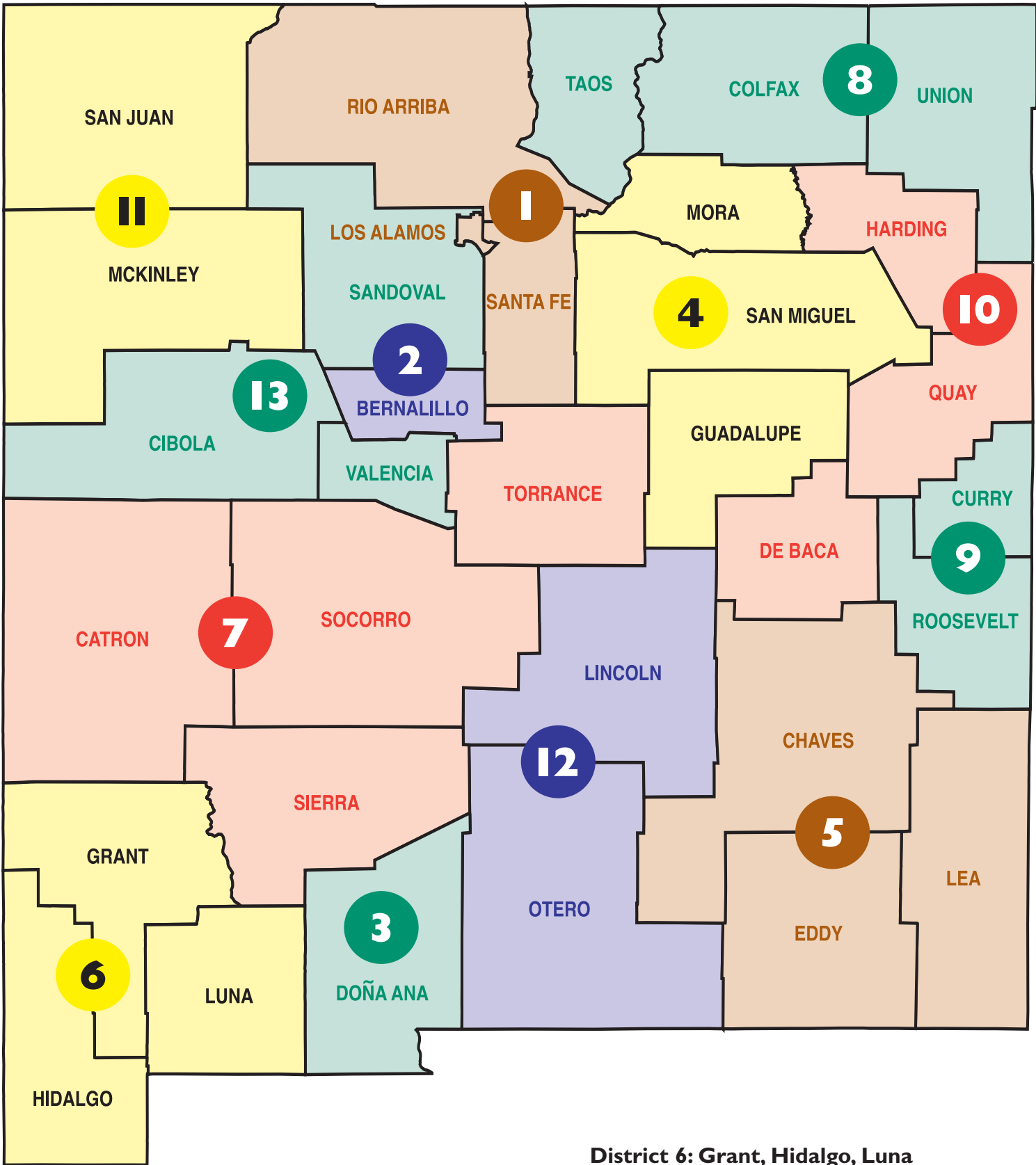


John J. Smoker, M.D., retired several years ago from a 40-year private family practice in Raton. He was a volunteer assistant professor at UNM Medical School until 1998.

Smoker earned a Bachelor of Science degree from Goshen College in Goshen, Indiana, and a Doctor of Medicine degree from Northwestern University Medical School in Chicago. He spent two years with the U.S. Public Health Service, Division of Indian Health, in Albuquerque, before beginning private practice in Raton.

He is past president of the Raton Chamber of Commerce and the Raton Rotary Club, and served 10 years on the New Mexico Medical Review Commission. He also spent 19 years on the board of New Mexico Blue Cross/Blue Shield. Smoker was named Family Physician of the Year in 1998 by the New Mexico Academy of Family Physicians, and was one of 11 finalists for National Doctor of the Year 2000 by the American Academy of Family Physicians.

# New Mexico's Judicial Districts



District 1: Los Alamos, Rio Arriba, Santa Fe  
 District 2: Bernalillo  
 District 3: Doña Ana  
 District 4: Guadalupe, Mora, San Miguel  
 District 5: Chaves, Eddy, Lea

District 6: Grant, Hidalgo, Luna  
 District 7: Catron, Sierra, Socorro, Torrance  
 District 8: Colfax, Taos, Union  
 District 9: Curry, Roosevelt  
 District 10: De Baca, Harding, Quay  
 District 11: McKinley, San Juan  
 District 12: Lincoln, Otero  
 District 13: Cibola, Sandoval, Valencia