2018 Judicial Retention Report to Voters

BERNALILLO COUNTY

INSIDE

NMJPEC Evaluation Factors ............... 2
NMJPEC Evaluation Process .............. 3
2018 Judicial Evaluations ............... 3-6
NMJPEC Recommendations to Voters ... 7
NMJPEC History .......................... 7
NMJPEC Members ....................... 7
Dear Bernalillo County Voter:

This year, you have the opportunity to vote on whether to retain one New Mexico Court of Appeals judge and 18 Bernalillo County Metropolitan Court Judges. All of these candidates have been in their current positions at least two years and have won one partisan election. To remain on the bench, they must receive 57 percent voter approval.

The New Mexico Judicial Performance Evaluation Commission (NMJPEC) was created by the New Mexico Supreme Court in 1997 as a nonpartisan volunteer commission to provide useful, credible information to voters. We are providing this Judicial Retention Report to voters to help you make an informed decision in these elections.

In this report, we have included our narrative evaluation of each judge as well as a summary chart of retention recommendations among the populations that were surveyed about whether the judge should be retained. More information about each judge’s experience and education, as well as detailed survey results, are included at our website, www.nmjpec.org, or can be requested by calling 1-800-687-3417.

Our evaluations are based on the results of confidential surveys sent to those individuals who regularly come in contact with the judges, statistics from the Administrative Office of the Courts, personal interviews with each judge being evaluated, and at times, the results of courtroom observations.

We do not base our evaluations on specific opinions issued by the judge or justice. Instead, we focus on an overall evaluation of the judge’s performance on the bench in four main areas:

1. Legal ability;
2. Fairness;
3. Communication skills; and
4. Preparation, attentiveness, temperament and control over proceedings.

We encourage you to make your voice heard by voting in ALL elections for which you are eligible – including the judicial retention elections. If you have comments or questions, please feel free to contact us through our website, www.nmjpec.org, or by calling 1-800-687-3417.

Sincerely,

Denise Torres
Chair

James Hall
Vice Chair

NMJPEC Evaluation Factors

The New Mexico Judicial Performance Evaluation Commission evaluates judges using an objective, carefully-monitored process. Evaluations are based on performance in four (4) main areas:

Legal Ability
- Understanding of the substantive law and rules of procedure and evidence
- Awareness and attentiveness to the factual and legal issues before the court
- Proper application of statutes, judicial precedents, and other appropriate sources of legal authority

Fairness
- Avoiding impropriety or the appearance of impropriety
- Displaying fairness and impartiality toward all parties

Communication Skills
- Clearly explaining all oral decisions
- Issuing clear written orders and/or opinions
- For trial judges, clearly explaining relevant information to the jury

Preparation, Attentiveness, Temperament, and Control over Proceedings
- Being prepared for all hearings and/or trials
- Using court time efficiently
- Issuing opinions or orders without unnecessary delay
- Effective courtroom management
- Effective overall case management

NMJPEC Evaluation Process

The New Mexico Judicial Performance Evaluation Commission conducts evaluations of judges and justices twice:

1. Midway through a judge’s term in office – for the purpose of improving his or her performance. Midterm evaluations are not released to the public; and

2. Before a retention election – for the purpose of providing information to voters. The results of these evaluations are made available to the public at least 45 days before the retention election.

Evaluations are performed through:

- Confidential written surveys – NMJPEC works 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.

- Statistics from the Administrative Office of the Courts – Including caseloads, excusals (requests by attorneys to have cases transferred to other judges), and the time it takes to get cases resolved.

- Courtroom observations – Based on established criteria and as resources permit, some judges are evaluated on an unscheduled basis during their active courtroom proceedings by impartial observers in order to assess their performance and management of their courtroom.

- Personal interviews with each judge being evaluated – During confidential interviews, NMJPEC shares the results of the surveys with the judge being evaluated. We also review their self-assessment of performance.
The New Mexico Judicial Performance Evaluation Commission makes the following recommendation to voters.

**Honorable J. Miles Hanisee**
New Mexico Court of Appeals

**RETAI N**

**Evaluation:** Judge J. Miles Hanisee received generally positive ratings. For example, attorneys rated Judge Hanisee positively for demonstrating appropriate demeanor, for conducting himself in a manner free from impropriety, and for displaying fairness and impartiality toward each side of the case. Court staff rated him positively for rendering opinions without regard to possible public criticism, writing opinions that accurately reflect the evidence in the record, and writing opinions that are appropriate in tone and substance. His fellow appellate judges rated him positively for respecting court employees regardless of position, demonstrating preparation for oral argument, effectively selecting, developing and supervising law clerks and paralegals, and responding to inquiries and requests for assistance promptly. However, court staff rated him somewhat lower on effectively handling ongoing workload and establishing appropriate priorities, and being a hard worker.

**Honorable Rosie Lazcano Allred**
Bernalillo County Metropolitan Court

**RETAI N**

**Evaluation:** Judge Rosie Lazcano Allred received positive ratings. For example, attorneys rated Judge Allred highly for being attentive to the proceedings, maintaining proper control over the proceedings, and for ensuring her personal staff is professional, productive and knowledgeable. Court staff rated Judge Allred highly in all areas, particularly for behaving in a manner that encourages respect for the courts. In addition, observations were conducted on behalf of the Commission in Judge Lazcano Allred’s courtroom. Their glowing report ended with the comment, “All observers agreed that if they were to go before Judge Allred, either as a plaintiff or defendant, they would unequivocally receive a fair and impartial hearing.”

**Honorable Edward L. Benavidez**
Bernalillo County Metropolitan Court

**DO NOT RETAIN**

**Evaluation:** Judge Edward Benavidez received somewhat mixed ratings from the various populations surveyed. Judge Benavidez received positive scores from resource staff (e.g., law enforcement officers) and court staff, but received lower scores from the attorney population. Attorneys give Judge Benavidez lower ratings when it comes to exercising sound legal reasoning, being knowledgeable regarding substantive law and the rules of procedure and evidence, treating all participants equally, displaying fairness and impartiality toward each side of the case, finding facts and interpreting the law without regard to public criticism, and in their overall satisfaction with his performance as a judge. Judge Benavidez’ ratings among attorneys in these areas are among the lowest in the Bernalillo County Metropolitan Court. During his interim evaluation in 2016, the Commission discussed areas that needed improvement; however, the ratings in those areas decreased slightly. Further, in some areas that did not appear to need improvement during the interim evaluation, his scores decreased significantly. Judge Benavidez’ ratings among attorneys decreased in every category since the 2016 interim evaluation. During this final retention evaluation, Judge Benavidez did not fully appreciate the deficiencies in his judicial performance.

**Honorable Henry A. Alaniz**
Bernalillo County Metropolitan Court

**RETAI N**

**Evaluation:** Judge Henry Alaniz received generally positive ratings from all groups surveyed. Attorneys rated him highly for demonstrating appropriate demeanor on the bench, being courteous to all participants, maintaining proper control over the proceedings, and for being attentive to the proceedings. Court staff rated him highly in all areas. Resource staff (e.g., law enforcement officers) rated him slightly lower for not always displaying fairness and impartiality toward each side of the case.

For more detailed evaluations visit nmjpec.org or call 1-800-687-3417
Honorable Michelle Castillo Dowler  
Bernalillo County Metropolitan Court

DO NOT RETAIN

Evaluation: Overall, Judge Michelle Castillo Dowler’s scores from the surveys were somewhat mixed. Among attorneys surveyed, Judge Castillo Dowler received positive ratings for maintaining control over proceedings and being attentive to proceedings. However, when it comes to treating participants equally, conducting self in a manner free from arrogance, and demonstrating appropriate demeanor on the bench, attorneys rate Judge Castillo Dowler somewhat lower. The resource staff (e.g., law enforcement officers) gave Judge Castillo Dowler positive ratings. The court staff rated her lower in respecting court employees regardless of position and behaving in a manner that encourages respect for the courts. The Commission also took into account the report from courtroom observers who expressed concern about Judge Castillo Dowler’s demeanor and impartiality.

Honorable Vidalia G. Chavez  
Bernalillo County Metropolitan Court

RETAIN

Evaluation: Judge Vidalia Chavez’ scores were generally positive. For example, the lawyers rated Judge Chavez highly for being courteous to all participants, demonstrating appropriate demeanor on the bench, being attentive to proceedings, and for treating pro se parties fairly. The court staff rated Judge Chavez positively on all attributes. The judge received somewhat lower scores from the resource staff (e.g., law enforcement officers).

Honorable Rosemary Cosgrove-Aguilar  
Bernalillo County Metropolitan Court

RETAIN

Evaluation: Judge Rosemary Cosgrove-Aguilar received positive scores from all groups. She received high scores from attorneys for being attentive to the proceedings, for treating pro se parties fairly, for maintaining proper control over the proceedings, and for conducting herself in a manner free from impropriety or the appearance of impropriety. Among court staff,

Honorable Maria I. Dominguez  
Bernalillo County Metropolitan Court

RETAIN

Evaluation: Judge Maria Dominguez received positive ratings from the various populations surveyed. For example, attorneys rate her highly for her knowledge of the law, treating pro se parties fairly, for her oral decisions and communications being clear and thorough, and for displaying familiarity with court cases through prior preparation. Court staff and resource staff (e.g., law enforcement officers) rate her positively for all attributes. In fact, over the ten years on the bench Judge Dominguez’ scores have trended upward.

Honorable Sandra Engel  
Bernalillo County Metropolitan Court

RETAIN

Evaluation: Overall, Judge Sandra Engel received positive scores from the attorneys surveyed. Judge Engel was rated positively for demonstrating appropriate demeanor on the bench, being attentive to proceedings, maintaining proper control over proceedings, and for her ability to decisively rule on procedural and substantive matters. Judge Engel’s scores among attorneys have improved in many areas since her last evaluation; although still reasonably positive, her scores among resource staff (e.g., law enforcement officers) have gone down slightly in all areas. The court staff rates Judge Engel highly in all areas.

For more detailed evaluations visit nmjpec.org or call 1-800-687-3417
Honorable Yvette K. Gonzales  
Bernalillo County Metropolitan Court

**RETAiN**

**Evaluation:** Judge Yvette Gonzales rated positively with attorneys for being attentive to the proceedings, maintaining proper control over proceedings, being able to decisively rule on procedural and substantive matters, and for ensuring her personal staff is professional, productive and knowledgeable. In fact, her scores among attorneys improved in all areas. The court staff and resource staff (e.g., law enforcement officers) rated Judge Gonzales positively on all attributes. Some of the attorneys who responded rated Judge Gonzales somewhat lower when it comes to displaying fairness and impartiality toward each side of the case and not always treating participants equally. Judge Gonzales is aware of this perception and has indicated a commitment to improving in these areas.

Honorable Jill Martinez  
Bernalillo County Metropolitan Court

**RETAiN**

**Evaluation:** Judge Jill Martinez rated positively among attorneys for being attentive to the proceedings, maintaining proper control over the proceedings, and for ensuring that her personal staff is professional, productive and knowledgeable. Court staff rated her somewhat lower in respecting court employees regardless of position. Resource staff (e.g., law enforcement officers) rated Judge Martinez positively on all attributes. Attorneys who responded rated Judge Martinez slightly lower for conducting herself in a manner free from impropriety, displaying fairness and impartiality toward each side, conducting herself in a manner free from arrogance and exercising sound legal reasoning. Judge Martinez is aware of this perception and is committed to improving in these areas among attorneys and court staff.

Honorable Kenny C. Montoya  
Bernalillo County Metropolitan Court

**DO NOT RETAiN**

**Evaluation:** Judge Kenny Montoya received mixed ratings from the various populations surveyed. Judge Montoya received high ratings from resource staff (e.g., law enforcement officers), court staff and jurors. However, Judge Montoya’s ratings among attorneys were somewhat lower. Attorneys rated Judge Montoya positively in being punctual in commencing proceedings, being attentive to the proceedings, maintaining proper control over the proceedings, and for ensuring his personal staff is professional, productive, and knowledgeable of court policies and procedures. However, attorneys rated Judge Montoya somewhat lower in exercising sound legal reasoning, being knowledgeable regarding substantive law and the rules of procedure and evidence, and in overall satisfaction with his performance as a judge. The attorney ratings in these areas were among the lowest in the Bernalillo County Metropolitan Court. In his interview with the Commission, Judge Montoya failed to recognize and commit to addressing the deficiencies in his judicial performance with regard to exercising sound legal reasoning and being knowledgeable regarding substantive law and the rules of procedure and evidence.

Honorable Daniel E. Ramczyk  
Bernalillo County Metropolitan Court

**RETAiN**

**Evaluation:** Both groups surveyed gave very positive scores to Judge Daniel Ramczyk. Attorneys rated him highly for his attention during proceedings, punctuality in starting court, treating self-represented parties fairly, and making sure his personal staff is productive, professional and knowledgeable. Court staff also rated him positively on all attributes. Courtroom observers noted that he created a friendly environment in the courtroom while keeping parties on topic, controlling noise, and swiftly addressing any disturbances. He took pains to explain his decisions.

Honorable Christine Eve Rodriguez  
Bernalillo County Metropolitan Court

**RETAiN**

**Evaluation:** Judge Christine Rodriguez received generally positive scores from all groups. She received positive scores from attorneys for maintaining proper control over the proceedings, for being courteous to all participants, for treating pro se parties fairly, and for ensuring that her personal staff is professional, productive and knowledgeable. Among court staff, she received positive scores for behaving in a manner that

(continued on next page)
encourages respect for the courts and for respecting court employees regardless of position. Resource staff (e.g., law enforcement officers) gave her positive scores for being attentive to the proceedings and for behaving in a manner that encourages respect for the courts. In her interview with the Commission, Judge Rodriguez demonstrated her commitment to improving her judicial performance.

Honorable Linda S. Rogers
Bernalillo County Metropolitan Court

**DO NOT RETAIN**

**Evaluation:** The attorneys gave Judge Linda Rogers somewhat mixed scores. Judge Rogers rated positively with attorneys for being attentive to the proceedings, maintaining proper control over the proceedings, displaying familiarity with court cases through prior preparation, and for ensuring that her personal staff is professional, productive and knowledgeable. Court staff rated Judge Rogers positively on all attributes. Attorneys and resource staff rated Judge Rogers somewhat lower for not always displaying fairness and impartiality toward each side of the case and for not always being courteous to all participants.

In addition, attorneys gave her a low rating for not always demonstrating appropriate demeanor on the bench. Resource staff scores are among the lowest for Metropolitan Court Judges. These deficiencies were discussed during prior evaluations and her scores still remain lower than those for other Metropolitan Court Judges.

Honorable Frank A. Sedillo
Bernalillo County Metropolitan Court

**RETAIN**

**Evaluation:** Judge Frank Sedillo received generally positive ratings. For example, attorneys rated Judge Sedillo highly for maintaining proper control over proceedings, being attentive to the proceedings, and for ensuring his personal staff is professional, productive, and knowledgeable. Court staff rated Judge Sedillo positively in all areas, notably for behaving in a manner that encourages respect for the courts. In addition, observations were conducted on behalf of the Commission in Judge Sedillo’s courtroom. Their report ended with the comment, “Overall, the observers were impressed with Judge Sedillo’s proceedings and agreed that if they had to appear before Judge Sedillo, as a plaintiff or defendant, they would receive a fair and impartial hearing.”

Honorable Renee Torres
Bernalillo County Metropolitan Court

**RETAI**

**Evaluation:** Overall, Judge Renee Torres received positive scores from attorneys surveyed. She was rated positively for demonstrating appropriate demeanor on the bench, for maintaining proper control over proceedings, being courteous to all participants, and for treating all participants equally. Judge Torres received positive ratings in all areas from court staff. Even though Judge Torres’ survey scores from resource staff (e.g., law enforcement officers) were low, the small sample size has been given major consideration; therefore, the Commission does not consider the low scores to be a significant factor. Judge Torres has proven to be a valuable addition to the Metropolitan Court, especially in taking the lead in the Urban Native American Healing to Wellness Court.

Honorable Victor E. Valdez
Bernalillo County Metropolitan Court

**RETAI**

**Evaluation:** Judge Victor Valdez’ overall survey results were positive. Attorneys rate him highly for being punctual in commencing proceedings, maintaining proper control over the proceedings, and for his ability to decisively rule on procedural and substantive matters. Judge Valdez was also rated highly for ensuring his personal staff is professional, productive and knowledgeable. The resource staff (e.g., law enforcement officers) and court staff rate him positively on all attributes.

Honorable Courtney Bryn Weaks
Bernalillo County Metropolitan Court

**RETAI**

**Evaluation:** Judge Courtney Weaks’ overall survey results were positive among attorneys and court staff. Attorneys rate her positively for being courteous to all participants, maintaining proper control over the proceedings, demonstrating appropriate demeanor on the bench, and for being attentive to the proceedings. Judge Weaks was rated positively by court staff on all attributes. Judge Weaks’ scores were somewhat lower among resource staff (e.g., law enforcement officers).
NMJPEC Recommendations to Voters
Following the interview with the judge, his/her self-assessment of performance and the survey results, NMJPEC makes one of the following recommendations to voters:

Retain – recommend voting to retain judge
Do not retain – recommend voting against retaining judge
No opinion – The results of the information gathered are insufficient to make a recommendation because, as required under Commission rules, eight members were unable to agree on a recommendation of Retain or Do Not Retain.
No Recommendation – Insufficient time or data in current position to evaluate judge
(A judge must serve two years on the bench or have sufficient data to achieve a statistically valid sample before he or she can be evaluated under NMJPEC rules.)

A History of the New Mexico Judicial Performance Evaluation Commission
1988 New Mexico voters approve a constitutional amendment adopting a merit selection process for nominating appellate, district and metropolitan court judges. This amendment requires Judges who have previously been elected in a partisan election to stand for retention in order to retain their office.

1990 Supreme Court Judicial Planning Committee recommends taking steps to create a Judicial Performance Evaluation Committee. A Judicial Planning Committee is formed.

1991 Working through a subcommittee chaired by Judge Joseph Alarid of the New Mexico Court of Appeals, the Judicial Planning Committee recommends establishing a pilot program for judicial evaluation along the lines of a Colorado program.

1995 After trying to get funding for several years, the Administrative Office of the Courts receives money from the New Mexico Legislature to set up a 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).

1997 In January, the final report on the pilot study was submitted, and the Commission decided that statewide implementation of a judicial evaluation program for district and metropolitan court judges was desirable and feasible. In February, the Supreme Court entered an Order 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.

1999 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.

2000-2018 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 informed decisions concerning the performance of individual judges. That is why NMJPEC 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, NMJPEC has issued evaluations on hundreds of justices and judges standing for retention at the statewide, district and county levels. The 2018 election year marks the 11th official election in which the Judicial Performance Evaluation Commission has made recommendations to voters on whether to retain judges and justices standing for retention.

New Mexico Judicial Performance Evaluation Commission Members
The New Mexico Judicial Performance Evaluation Commission 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.

Members are appointed to represent different professions, backgrounds and geographical areas of the state. Members go through an 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.

NMJPEC Members as of September 2018:

Denise Torres, Chair
Las Cruces
Member since 2008

David Hunton
Portales
Member since 2014

James Hall, Vice Chair
Santa Fe
Member since 2009

Matthew Kirk
Hagerman
Member since 2018

Michael Aragon
Las Vegas
Member since 2013

Patricia L. Quintana
Taos
Member since 2014

Karen O. Cortese
Fort Sumner
Member since 2008

Richard Reese
Albuquerque
Member since 2014

Mark A. Filosa
Truth or Consequences
Member since 2012

Linda Rodgers
Farmington
Member since 2017

Nate Gentry
Albuquerque
Member since 2018

Anita Sanchez
Rio Rancho
Member since 2015

Laura Howell
Silver City
Member since 2013

Scott Sandlin
Albuquerque
Member since 2017

Lee Hunt
Santa Fe
Member since 2018