

IN RE ARNOLD, S.Ct. No. 26,645 (Filed January 10, 2001)

**IN THE MATTER OF FREDERICK ARNOLD,
Municipal Judge, Portales, New Mexico.**

NO. 26,645

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

January 10, 2001, Filed

INQUIRY CONCERNING A JUDGE
NO. 99-101.

COUNSEL

Peg A. Holguin, Randall D. Roybal, Albuquerque, New Mexico, for Judicial Standards Commission

Greig & Richards, P.A., William H. Greig, Clovis, New Mexico, for Respondent

FORMAL REPRIMAND

Per Curiam.

{1} This matter came before the Court upon recommendation of the Judicial Standards Commission to approve a plea and stipulation agreement entered into between the commission and Honorable Frederick Arnold, that respondent be formally reprimanded and ordered to participate in a mentorship program.

{2} The commission issued a notice of preliminary investigation to respondent on March 6, 2000. Respondent filed a response to the notice of preliminary investigation on March 27, 2000. After completing the preliminary investigation, the commission issued a notice of formal proceedings to respondent on July 6, 2000. On August 8, 2000, the respondent filed an answer to the notice of formal proceedings. On October 11, 2000, respondent and the commission entered into a plea and stipulation agreement in which respondent stipulated to the factual and legal conclusions and agreed to receive discipline from this Court. On November 2, 2000, the commission filed a verified petition for discipline with the Court. The stipulated factual and legal conclusions are set forth below.

{3} Respondent permitted and allowed ex parte communications with police officers concerning defendants' out-of-court demeanor, attitude or behavior with the officers. These communications included conversations about and allowance of "smiling" and "frowning" faces to be drawn on uniform traffic citations by police officers of the Portales

Police Department, which would inform respondent by use of such faces about defendants' demeanor, attitude or behavior with the officers during such traffic stops.

{4} Respondent's conduct violated Canons 21-100 NMRA 1995, 21-200(A) NMRA 1991, 21-300(B)(5) and (B)(7) NMRA 1995, and 21-400(A)(1) NMRA 1995 of the Code of Judicial Conduct and constituted willful misconduct in office.

{5} WE HEREBY FIND that the recommended disciplinary measures for respondent's violations of the Code of Judicial Conduct are appropriate. Respondent shall comply fully with the requirements of the discipline imposed by this Court and with the Code of Judicial Conduct.

{6} NOW, THEREFORE, IT IS ORDERED that Honorable Frederick Arnold is disciplined as follows:

- A. Respondent shall be and is hereby formally reprimanded;
- B. Respondent shall participate in a mentorship program; and
- C. The parties shall bear their own costs incurred in this matter to date.

{7} IT IS FURTHER ORDERED that the Honorable Jesse Porter, Roosevelt County Magistrate (retired), is hereby appointed to serve as mentor to the respondent, and shall report in writing to the commission on the respondent's successful participation in and completion of the mentorship program required by the Court's order.

{8} IT IS SO ORDERED.

Chief Justice Pamela B. Minzner

Justice Joseph F. Baca

Justice Gene E. Franchini

Justice Patricio M. Serna

Justice Petra Jimenez Maes