

IN RE CHAPARRO, S.Ct. No. 27,923 (Filed April 15, 2003)

**IN THE MATTER OF SUSANA CHAPARRO,
Magistrate Court Judge, Dona Ana County, New Mexico**

NO. 27,923

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 15, 2003, Filed

INQUIRY CONCERNING A JUDGE
Nos. 2002-26 & 2002-43

COUNSEL

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

Miller Stratvert, P.A., Lawrence R. White, Las Cruces, 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 between the commission and Hon. Susana Chaparro. The agreement resolved that this Court should impose discipline upon respondent as follows: formal reprimand, participation in a mentorship program, and completion of a specified judicial ethics course.

{2} The commission issued a notice of preliminary investigation to the respondent on June 25, 2002. Respondent filed a response to the notice of preliminary investigation on August 1, 2002. On September 3, 2002, the commission issued a notice of formal proceedings to respondent. October 18, 2002, respondent filed a response to the notice of formal proceedings. On February 7, 2003, the respondent agreed to enter into a plea and stipulation agreement with the commission, which was filed on February 12, 2003. In the agreement, respondent stipulated that the commission had sufficient evidence to prove the factual allegations and Code of Judicial Conduct violations by the applicable clear and convincing standard. Respondent further agreed to receive discipline from this Court. On February 12, 2003, the commission filed a verified petition for discipline with this Court. The stipulated facts and conclusions are set forth below.

{3} From April 2001 - June 2002, Judge Chaparro became embroiled in a controversy with court interpreters for the Dona Ana County Magistrate Court. On occasions

throughout the contract period, Judge Chaparro failed to be patient, dignified, and courteous with interpreters, another judge, and the court clerk.

{4} On or about June 26, 2001, Judge Chaparro issued a warrant for a court interpreter's arrest on a criminal contempt charge relating to a prior dispute over interpreting services. The interpreter was arrested the next morning while working at the courthouse, was booked, and was placed in a holding cell. The district court later released the interpreter, quashed the arrest warrant, ordered that no further warrants issue, and further ordered that the interpreter was permitted to be present in the Magistrate Court building to carry out the terms of her contract. On or about December 4, 2001, the Twelfth Judicial District Attorney (special prosecutor) completed his investigation of the matter and declined to prosecute the interpreter on the contempt allegations. The matter was closed on January 11, 2002.

{5} On or about September 13, 2001, Judge Chaparro had ex parte communication with Magistrate Judge Anne Segal about presiding over Judge Chaparro's pending writ case (No. M-14-MR-2001-999). Judge Segal reported feeling threatened and intimidated and eventually recused from the case.

{6} Respondent's conduct violated the following Canons of the Code of Judicial Conduct: 21-100 NMRA 1995 (judge shall uphold integrity and independence of judiciary); 21-200(A) and (B) NMRA 1991 (judge shall avoid impropriety and appearance of impropriety in all activities); 21-300(B)(2), (B)(3), (B)(4), (B)(5), (B)(7), (C)(1) and (C)(2) NMRA 1995 (judge shall perform duties of office impartially and diligently).

{7} Respondent's conduct constitutes a sufficient basis for this Court to impose discipline pursuant to Article VI, Section 32 of the New Mexico Constitution.

{8} 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.

{9} NOW, THEREFORE, IT IS ORDERED that Honorable Susana Chaparro is hereby disciplined as follows:

- A. Respondent shall be and is hereby formally reprimanded;
- B. Respondent shall participate in a mentorship program;
- C. Respondent shall attend and successfully complete the next administration of the "Ethics for Judges" course sponsored by the National Judicial College (currently scheduled for October 2003, in Reno, Nevada). Respondent shall bear at her own expense the tuition and all costs required to attend and complete this course, including travel, accommodations, meals, and all other expenses

incurred in relation to completing this requirement. Respondent shall promptly provide this Court and the Commission with written proof of successful completion of this course;

- D. Respondent shall abide by all terms and conditions of this order, the plea agreement and the Code of Judicial Conduct; and
- E. The parties shall bear their own costs and expenses incurred in this matter.

{15} IT IS FURTHER ORDERED that Honorable Caleb Chandler (retired) is appointed to serve as mentor to respondent, and shall report in writing to the commission and to this Court on respondent's participation in and successful completion of the mentorship program.

{16} IT IS SO ORDERED.

Chief Justice Petra Jimenez Maes

Justice Pamela B. Minzner

Justice Patricio M. Serna

Justice Richard C. Bosson

Justice Edward L. Chávez