

IN RE VIGIL, S.Ct. No. 26,328 (Filed May 7, 2001)

**IN THE MATTER OF BEATRICE R. VIGIL,
Probate Judge, Taos County, New Mexico.**

No. 26,328

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

May 7, 2001, Filed

INQUIRY CONCERNING A JUDGE
No. 2000-53.

COUNSEL

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

Hon. Beatrice R. Vigil, Taos, New Mexico

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 Beatrice R. Vigil that she be formally reprimanded and ordered to participate in a mentorship program.

{2} The commission issued a notice of preliminary investigation to respondent on November 3, 2000. Respondent was personally served with the notice, but failed to file a responsive pleading. On January 2, 2001, the commission issued a notice of formal proceedings to respondent. Respondent filed a response to the notice of formal proceedings on January 8, 2001. On March 23, 2001, respondent agreed to admit the underlying conduct and enter into a plea and stipulation agreement with the commission. The plea and stipulation agreement was approved by the commission and filed on March 27, 2001. The stipulated factual and legal conclusions are set forth below.

{3} On or about January 18, 1996, respondent issued check number 191 for payment of money drawn from her account at the Centinel Bank in Taos, New Mexico, in the amount of \$93.97 payable to Big O Tires for items of value knowing at the time of issuance that she had insufficient funds in or credit with the bank for payment of such check in full upon its presentation, contrary to NMSA 1978, §30-36-4 (1963), a felony.

{4} On or about March 2, 2000, respondent issued check number 1020 for payment of money drawn from her account at the New Mexico Educators Federal Credit Union in Taos, New Mexico, in the amount of \$96.13 payable to Super Save for items of value knowing at the time of issuance that she had insufficient funds in or credit with the bank for payment of such check in full upon its presentation, contrary to NMSA 1978, §30-36-4 (1963), a felony.

{5} On or about March 3, 2000, respondent issued check number 1021 for payment of money drawn from her account at the New Mexico Educators Federal Credit Union in Taos, New Mexico, in the amount of \$71.76 payable to Super Save for items of value knowing at the time of issuance that she had insufficient funds in or credit with the bank for payment of such check in full upon its presentation, contrary to NMSA 1978, §30-36-4 (1963), a felony.

{6} Respondent failed to cooperate and comply with the rules, requirements, and procedures of the commission by failing to file a written response to the commission's notice of preliminary investigation that was issued to her on or about November 3, 2000.

{7} Respondent's conduct violated the following Canons of the Code of Judicial Conduct: Canons 21-100 NMRA 1995 (a judge shall uphold the integrity and independence of the judiciary), 21-200(A) NMRA 1995 (a judge shall avoid impropriety and the appearance of impropriety in all the judge's activities; a judge shall respect the law), 21-300(B)(2) NMRA 1995 (a judge shall perform the duties of office impartially and diligently; a judge shall be faithful to the law), 21-500(A)(2) and (A)(4) NMRA 1995 (a judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations; a judge shall conduct all of the judge's extra-judicial activities so that they do not demean the judicial office or violate the judge's oath and obligation to uphold the laws and constitutions of the United States and the State of New Mexico), and 21-900(A) NMRA (1995) (a judge shall comply with all rules, requirements and procedures of the Judicial Standards Commission and shall cooperate with the Judicial Standards Commission in the performance of its functions).

{8} Respondent's conduct constitutes willful misconduct in office.

{9} 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.

{10} Now, therefore it is ordered that Honorable Beatrice R. Vigil is disciplined as follows:

1. Respondent shall be and is hereby formally reprimanded; and

2. Respondent shall continue her supervised probation, under the supervision of Hon. Peggy Nelson, who shall monitor and report to the commission and to this Court on respondent's progress.

{11} It is further ordered that the parties shall bear their own costs incurred in this matter.

{12} It is so ordered.

Chief Justice Patricio M. Serna

Justice Joseph F. Baca

Justice Gene E. Franchini

Justice Pamela B. Minzner

Justice Petra Jimenez Maes