

IN RE SINGLETON, S.Ct. No. S-1-SC-35410 (Filed February 11, 2016)

**INQUIRY CONCERNING A JUDGE
NO. 2015-049
IN THE MATTER OF SARAH M. SINGLETON,
First Judicial District Judge**

NO. S-1-SC-35410

SUPREME COURT OF NEW MEXICO

February 11, 2016

COUNSEL

Randall D. Roybal, Deborah L. Borio, Albuquerque, NM, for Judicial Standards Commission

James A. Hall, L.L.C., James A. Hall, Santa Fe, NM, for Respondent

JUDGES

BARBARA J. VIGIL, Chief Justice. PETRA JIMENEZ MAES, Justice, EDWARD L. CHÁVEZ, Justice, CHARLES W. DANIELS, Justice, JUDITH K. NAKAMURA, Justice

AUTHOR: PER CURIAM

ORDER AND PUBLIC CENSURE

{1} WHEREAS, this matter came on for consideration by the Court upon the Judicial Standards Commission's petition to accept a stipulation agreement and consent to discipline (Stipulation) entered into between the Commission and Hon. Sarah M. Singleton (respondent), who is a district court judge in the First Judicial District;

{2} WHEREAS, in the Stipulation, respondent admits to the following acts:

- a. On or about January 24, 2015, in the case of *Alfredo Morga, et al. v. FedEx Ground Package System, Inc., et al.*, D-101-CV-2012-01906, respondent permitted and engaged in impermissible *ex parte* communications with plaintiff's attorney while the case was still pending before respondent;
- b. On or about January 24, 2015, in the case of *Alfredo Morga, et al. v. FedEx Ground Package System, Inc., et al.*, D-101-CV-2012-01906, respondent created the appearance of impropriety by engaging in a phone

conversation with plaintiff's attorney that involved substantive matters and was outside the presence of the other party or the other party's attorney;

{3} WHEREAS, in the Stipulation, respondent admits that she violated Code of Judicial Conduct Rules 21-101, 21-102, 21-209(A) and 21-210(A) NMRA;

{4} WHEREAS, in the Stipulation, respondent admits that she engaged in *ex parte* communications contrary to the Code of Judicial Conduct;

{5} WHEREAS, in the Stipulation, respondent denies that she engaged in willful misconduct and further denies any malice, corrupt purpose, or dishonesty;

{6} WHEREAS, in the Stipulation, respondent acknowledges, however, that the facts support a conclusion that she knew or should have known that her actions were beyond her lawful authority and that such conduct falls within the Supreme Court's definition of bad faith;

{7} WHEREAS, in the Stipulation, while the parties agree that violation of the Code of Judicial Conduct, by itself, does not necessarily constitute willful misconduct, respondent acknowledges and stipulates that the facts and evidence, individually and taken together, may constitute willful misconduct in office and one or more violations of the New Mexico Code of Judicial Conduct and provide sufficient basis for the New Mexico Supreme Court to impose discipline pursuant to Article VI, Section 32, of the New Mexico Constitution;

{8} WHEREAS, the Stipulation provides that, in stipulating to discipline, the following non-exclusive factors in Judicial Standards Commission Rule 30 NMRA were considered:

- a. the misconduct was an isolated instance;
- b. the misconduct occurred in respondent's official capacity;
- c. the misconduct created a highly publicized appearance of impropriety, which reflects adversely on the judiciary;
- d. respondent immediately took corrective action and disclosed the *ex parte* communication to all parties;
- e. respondent showed remorse, was candid and truthful with the Commission, and fully cooperated with the Commission; and
- f. respondent is a well-respected judge with an excellent reputation and has no history of discipline by the Supreme Court;

{9} WHEREAS, in the Stipulation, respondent consents to imposition of a public censure by the Supreme Court to be published in the *New Mexico Bar Bulletin*; and

{10} WHEREAS, the Court having considered the petition to accept stipulation agreement and consent to discipline and having determined that acceptance of the stipulation is in the best interests of the judiciary and the public, and the Court being otherwise sufficiently advised, Chief Justice Barbara J. Vigil, Justice Petra Jimenez Maes, Justice Edward L. Chávez, Justice Charles W. Daniels, and Justice Judith K. Nakamura concurring;

{11} NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED and respondent, Hon. Sarah Singleton, shall abide by all terms of the *Stipulation Agreement and Consent to Discipline*;

{12} IT IS FURTHER ORDERED that this order shall serve as respondent's PUBLIC CENSURE and shall be published in the *Bar Bulletin*; and

{13} IT IS FURTHER ORDERED that the file is UNSEALED in accordance with Rule 27-104(B) NMRA.

{14} IT IS SO ORDERED.

BARBARA J. VIGIL, Chief Justice

PETRA JIMENEZ MAES, Justice

EDWARD L. CHÁVEZ, Justice

CHARLES W. DANIELS, Justice

JUDITH K. NAKAMURA, Justice