



State of New Mexico

Office of the Governor

Bill Richardson
Governor

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Governor Bill Richardson Announces Lawsuit Over Judicial Appointment Power

SANTA FE – Governor Richardson announced today that he will file a lawsuit against the Fifth Judicial District Nominating Commission to challenge its decision to send him only one nominee to fill a judicial vacancy.

“I find it hard to believe that there is only one person from this community who is qualified to be a judge.” Governor Richardson said. “I asked the commission for more names, which is my right, and the commission spent less than an hour considering my request. Diversity in the courts is of critical importance. The power of a Governor to appoint means the power to choose. I cannot let the commission’s actions stand unchallenged when they fly in the face of the law. It is inappropriate for a group consisting principally of non-elected individuals to take away the choice of an elected official who is responsible for representing the voters. The commission failed to fulfill its duties, which is a disservice to the courts and the local community.”

Attorney General Gary King has agreed to represent Governor Richardson in the lawsuit.

“I know the Governor feels strongly about preserving his executive right to choose among qualified candidates for judgeships under our constitution,” Attorney General Gary King said. “We believe that the Nominating Commissions should be required to present a group of qualified candidates to the Governor to preserve his authority to select the appropriate person to serve as judge.”

The Governor has also introduced legislation that would reinforce the constitution's requirement that all judicial nominating commissions provide at least two names to the Governor for his consideration when filling judicial vacancies. The bill is Senate Bill 1075 and is sponsored by the Senate's Majority Floor Leader, Senator Michael S. Sanchez.

The nominating commission last month only sent one name – James Richard Brown – to Governor Richardson to consider as he appoints a replacement for a vacant judgeship in Carlsbad. While five qualified applicants sought the judgeship, the commission refused Governor Richardson's request to send him additional names.

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