



NEW MEXICO BUSINESS COALITION

2016 NMBC Voter Information for Key Judge Races

Justice of the Supreme Court

Judith Nakamura, incumbent Supreme Court Justice with extensive trial experience. Tough on crime. Has taken a stand against legislating from the bench by interpreting law that comes before her in cases rather than trying to create law through Supreme Court decisions and opinions.

Holding strong to her own judicial philosophy, Nakamura dissented alone in **Rodriguez et al.**, stating that to abolish an exclusionary clause for farm and ranch workers, thereby judicially expanding the responsibilities of small farm employers, should be an action undertaken by the Legislature and not the courts. Justice Nakamura has also authored cases for the Supreme Court on criminal matters.

Challenger: **Michael Vigil**, currently the Chief Judge of the Court of Appeals. He also partially dissented in the **Rodriguez et al** case at the appellate level based on a technicality. Vigil's objection was not to the expansion of small farm employer workers' compensation obligations or that the decision required legislative action.

Chief Judge Vigil was appointed to the New Mexico Court of Appeals in 2003 by former Governor Bill Richardson.

You can view Judges Nakamura and Vigil in Candidate Job Interviews on the New Mexico Business Coalition website: www.nmbizcoalition.org/candidate-job-interviews

Judge of the Court of Appeals

Stephen French, incumbent Court of Appeals Justice with extensive criminal and appellate experience as a judge and attorney.

Challenger: **Julie Vargas**, business attorney.

You can view Judge French and Julie Vargas in Candidate Job Interviews on the New Mexico Business Coalition website: www.nmbizcoalition.org/candidate-job-interviews

Judicial Retention

Supreme Court - Barbara Vigil: Vigil has a tendency to legislate from the bench and her decisions have often been detrimental to business to include: **Rodriguez et al**, in which Vigil ruled with the majority to abolish an exclusionary clause for farm and ranch workers. This was an issue that should have been decided by the Legislature, not the courts.

Vigil also concurred with the majority in **Hawkins** not to hear the case at all. This was a very bad Workers Compensation decision from the Appellate Court that said an employer must pay lost-time and compensatory wages (TTD) to an injured worker who was fired for just cause, even though the reason for termination had nothing to do with the work injury. By not hearing the case, the Appellate decision, which was harmful to business, stood.

Court of Appeals – Jonathan Sutin: Elected in 2000 having been appointed by Governor Gary Johnson.

Court of Appeals – Tim Garcia: Appointed by Governor Bill Richardson in 2008, after service as a district court judge in Rio Arriba County. Authored the **Right to Die** case for the Court of Appeals and ruled there is no federal constitutional right to physician assisted suicide, while leaving open the possibility that there may exist such a right under the State Constitution. Since then, the New Mexico Supreme Court ruled there to be no federal or state constitutional right to physician assisted suicide.

Court of Appeals – Monica Zamora: Elected to the Court of Appeals in 2012 after serving as a district court judge in the Children's Division of the 2nd Judicial District. Wrote the majority Court of Appeals opinion in **Rodriguez et al**. This case abolished an exclusionary clause for farm and ranch workers, which has driven some farmers and ranchers out of business. Some feel that it was an issue that should have been decided by the Legislature, not the courts.