

Did she jump or was she pushed?

Written by By Beth Blakeman Associate Editor
Friday, 09 October 2020 07:08



Judge agrees to step down

The Judicial Standards Commission for the State of New Mexico filed a petition Aug. 28 to accept the permanent retirement of McKinley County Eleventh District Court magistrate April J. Silversmith.

An agreement was reached with Silversmith in lieu of disciplinary proceedings for ten allegations in a Notice of Investigation dated Feb. 20, 2019.

Among the 10 allegations listed on the notice of investigation were two that involved Silversmith's family. The petition said Silversmith failed to recuse herself from two traffic cases for her niece, Chelsey Thomas, and involved herself in cases connected with her son, Stephen Silversmith, and in a matter in which her daughter, Brittany Silversmith was the victim in a criminal case.

The petition stated Silversmith created an appearance of impropriety when she directed and/or allowed court staff to use her signature stamp to sign documents (e.g. release orders) when she was unavailable.

In addition, the document filed by the standards commission listed excessive absences from court for more than 622 hours between Jan. 1, 2019 and Jan. 3, 2020.

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These and behavioral issues that were considered outside the boundaries of patience, dignity and courtesy were listed.

The judicial standards commission called for Silversmith to provide a written explanation for each allegation.

Her attorney, William G. Stripp answered the Notice on March 15, 2020 saying that Judge Silversmith denied that she failed to perform her judicial duties or act inappropriately in any way.

Further, it stated that she believed she had been the target of discrimination and bigotry by certain members of the McKinley County Magistrate Court staff including the former court manager.

Stripp's letter also mentioned that some of the allegations were six years old and were never previously presented to the judge. The lapse of time between the alleged inappropriate behavior and the date of the complaint made it hard to gather information to respond to the notice.

Stripp's letter said the allegation that Silversmith missed over 622 hours from court in a period of a year and 2 days "is absurd."

In each of the allegations concerning the judge's family members, her attorney's response denied any inappropriate behavior, stating three times that in Thomas' case, her niece never appeared before her in court. In those concerning her son, Stripp said she was not involved in the case.

The response concerning her daughter's case was that the judge was appearing in court with her daughter as a mother, not a judge.

Throughout his letter, Stripp made numerous references to disagreements with the court manager and mentioned that there were indications that manager had difficulties with women of

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the Navajo culture.

Despite the response from Silversmith's lawyer, the State Supreme Court accepted her permanent retirement from judicial office rather than proceed with further disciplinary proceedings.

Effective Aug. 31 at 5 pm, Silversmith was ordered to never again hold, become a candidate for, run for or stand for election to any New Mexico judicial office. She cannot seek, accept appointment to, or serve pro tempore for any New Mexico judicial office including the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals or Justice of the Supreme Court.

She is never again to hold or exercise any judicial authority in the state, including officiating at weddings.

In addition to Silversmith's departure, the court manager has left. Weldon Neff, court executive officer for the Eleventh Judicial District Court that oversees court operations in McKinley and San Juan counties explained in an email to the *Gallup Sun* on Sept. 30.

"Kristie Jaramillo retired in January with 25 plus years of experience. Her retirement was not tied or related to matters with Judge Silversmith," Neff stated Neff stated.

By Beth Blakeman
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