DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2022-September 30, 2022

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court 3

In the Matter of Robert M. Fiser, (No. S-1-SC-39482). The New Mexico Supreme Court entered an order that Respondent is permanently withdrawn from membership in the State Bar of New Mexico pursuant to Rule 17-209(E) NMRA, effective September 16, 2022.

In the Matter of Michael E. Cain, (S-1-SC-39516). The New Mexico Supreme Court entered an order placing Respondent on probation and deferring a two year suspension effective August 26, 2022.

In the Matter of Charles R. Marcus (No. S-1-SC-30917). The New Mexico Supreme Court entered an order that the petition for reinstatment is denied and Respondent remains disbarred from the practice of law, effective July 13, 2022

Summary Suspensions

Total number of attorneys summarily suspended.....0

Total number of attorneys summarily suspended (reciprocal).....0

Administrative Suspensions

Total number of attorneys administratively suspended.....0

Disability Inactive Status

Total number of attorneys removed from disability inactive states 0

Charges Filed

Charges were filed against an attorney for allegedly failing to provide competent representation, failing to act with reasonable diligence and promptness in representing a client, by failing to make reasonable efforts to expedite litigation consistent with the interest of the client, by knowingly disobeying an obligation under the rules of a tribunal and/or engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to provide competent representation, and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly knowingly disobeying an obligation under the rules of a tribunal; engaging in conduct intended to disrupt a tribunal; using means that have no substantial purpose other than to embarrass, delay or burden a third person; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly knowingly disobeying an obligation under the rules of a tribunal; communicating with a represented person about the subject of the representation; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly making a false statement of fact and law to a tribunal; in a *pro se* representation, filing a complaint that had no substantial purpose other than to embarrass, delay or burden a third person; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and by engaging in conduct prejudicial o the administration of justice.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law 0

Reinstatement from Probation

Petitions for reinstatement filed 1

Formal Reprimands

Total number of attorneys formally reprimanded 0

Informal Admonitions

Total number of attorneys admonished 5

Letters of Caution

Total number of attorneys cautioned 13

Attorneys were cautioned for the following conduct: (1) ex parte contact with represented party; (1) improper statement about judge's integrity; (4) lack of competence; (2) Unauthorized practice of law; (1) prosecutorial misconduct; (1) conflict of interest; (2) lack of diligence and (1) dishonest deceit, fraud and misrepresentation.

Complaints Received

Allegations	*No. of Complaints*
Trust Account Violations	2
Conflict of Interest	3
Neglect and/or Incompetence	61
Misrepresentation or Fraud	16
Improper Withdrawal	0
Fees	5
Improper Communications	0
Failure to Communicate	14
Ex Parte Contact with the Court	0
Lawyer Acting as Witness	0
Prosecutorial Misconduct	6
Advertising Violations	0
Improper Statements about Judge	6
Improper Means	5
Criminal Conduct	0
UPL	1
Improper Trial Publicity	0
Lack of Fairness to Opposing Party/Counsel	7
Contact with Represented Party	4
Specifically prohibited Conflicts	3
Meritless Claims or Defenses	1
Engaged in Conduct Prejudicial to Admin. Of Justice	0
Lack of Diligence	12
Failure to Follow Client Instructions	0
Other	1
Total number of complaints received	205*

*Denotes total number of complaints received through 9/30/2022. May differ from the total number reflected in allegations due to reporting timing.