DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2023-September 30, 2023

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

In the Matter of Victor R. Marshall, (No. S-1-SC-37698). The New Mexico Supreme Court entered an order that Respondent is permanently disbarred from the practice of law pursuant to Rule 17-206(A) (1) NMRA, effective July 14, 2023.

In the Matter of David Proper, (No. S-1-SC-37587). The New Mexico Supreme Court entered an order that Respondent is permanently disbarred from the practice of law pursuant to this Court's authority under N.M. Const. Art. VI, Section 3, and Rule 17-206(A) (1) NMRA, effective July 27, 2023.

In the Matter of Albert Costales, (No. S-1-SC-39920). The New Mexico Supreme Court entered an order that Respondent is indefinitely suspended from the practice of law for a minimum period of two (2) years pursuant to Rule 17-206(A)(3) NMRA. Said suspension is deferred and Respondent is placed on probation pursuant to Rule 17-206(B)(1) NMRA, effective August 18, 2023.

In the Matter of James Lyle, (No. S-1-SC-39642). The New Mexico Supreme Court entered an order that Respondent is indefinitely suspended from the practice of law for a minimum period of no less than one (1) year pursuant to Rule 17-206(A)(3) NMRA, effective September 12, 2023 . The Court further ordered that Respondent be formally reprimanded pursuant to Rule 17-206(A)(5) NMRA.

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Summary Suspensions

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

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

Administrative Suspensions

In the Matter of Orlando Sandoval, (No. S-1-SC-39823). The New Mexico Supreme Court entered an order that Respondent is administratively suspended pursuant to Rule 17-207(B) NMRA, until further order of this Court.

Total number of attorneys administratively suspended.....1

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 to clients, failing to act with reasonable diligence and promptness in representing clients, by failing to keep clients reasonably informed about the status of their matters and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly making a false statement of fact, falsifying evidence, engaging in conduct involving dishonest, deceit and misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly representing a client when there is a significant risk that the representation is materially limited by the personal interest of the lawyer, entering into a business transaction with a client or knowingly acquiring a security adverse to a client, by acquiring a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, and by representing a client when the representation is in violation of the Rules of Professional conduct.

Charges were filed against an attorney for filing multiple frivolous motions, alluding to a matter at trial that a reasonable lawyer would not believe is relevant, by engaging in conduct intended to disrupt a tribunal, using means that had no substantial purpose other than to embarrass, delay or burden a third person, and engaging in conduct that is prejudicial to the administration of justice.

Petition for Administrative Suspension was filed for an attorneys failure to cooperate with Disciplinary Counsel's investigation of a disciplinary complait against her.

Total number of charges/petitions filed.....5

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law 0

Reinstatement from Probation

Petitions for reinstatement filed 0

Formal Reprimands

Total number of attorneys formally reprimanded 0

Informal Admonitions

Total number of attorneys admonished 0

Letters of Caution

Total number of attorneys cautioned 8

Attorneys were cautioned for the following conduct: (2) prosecutorial misconduct, (1) criminal conduct, (1) ex parte contact with represented party; (1) dishonesty, deceit, fraud or misrepresentation, (2) lack of diligence, (2) failure to communicate, (1) lack of competence

Complaints Received

Allegations	*No. of Complaints*
Trust Account Violations	5
Conflict of Interest	2
Neglect and/or Incompetence	62
Misrepresentation or Fraud	19
Improper Withdrawal	1
Fees	2
Improper Communications	0
Failure to Communicate	6
Ex Parte Contact with the Court	16
Lawyer Acting as Witness	0
Prosecutorial Misconduct	10
Advertising Violations	0
Improper Statements about Judge	0
Improper Means	2
Criminal Conduct	2
UPL	1
Improper Trial Publicity	0
Lack of Fairness to Opposing Party/Counsel	8
Contact with Represented Party	0
Dishonesty, deceit, fraud	19
Meritless Claims or Defenses	3
Engaged in Conduct Prejudicial to Admin. Of Justice	1
Lack of Diligence	0
Failure to Follow Client Instructions	0.
Other	37
Total number of complaints received	172*

*Denotes total number of complaints received through 9/30/2023. May differ from the total number reflected in allegations due to reporting timing.