# DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2022-March 31, 2022

*REPORT BY DISCIPLINARY COUNSEL*

## Final Decisions

Final Decisions of the NM Supreme Court ……1

*In the Matter of Joel Gaffney* (No. S-1-SC-39067). The New Mexico Supreme Court entered an order indefinitely suspending the Respondent for a minimum period of one year for failing to adequately communicate with a client, failing to act with reasonable diligence and promptness in representing a client, failing to promptly refund fees, and failing to cooperate with disciplinary counsel.

## 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.....1

*In the Matter of Marcus Garcia* (No. S-1-SC-39103) The New Mexico Supreme Court issued an order on January 13, 2022, administratively suspending Respondent from the practice of law until further order from the Court.

## 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, failing to communicate with a client, failing to communicate the lawyer's fee in writing, failing to terminate the representation in an orderly manner and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent to a client, engaging in conduct that has no substantial purpose other than the to embarrass or burden a third person, and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent a client, failing to notify a third party of the receipt of funds in which the party has an interest, failing to safeguard trust funds, filing a frivolous pleading, making a false statement of material fact to a court, knowingly disobeying an obligation under the tribunal, and engaging in conduct prejudicial to the administration of justice.

## 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 .....2

## Informal Admonitions

Total number of attorneys admonished .....1

## Letters of Caution

Total number of attorneys cautioned .....7

Attorneys were cautioned for the following conduct: (2) failure to put a fee agreement in writing; (1) failure to communicate; (1) trust account recordkeeping, (1) failing to terminate the representation in an orderly manner; (1) threatening behavior, and (1) failing to competently represent a client.

## Complaints Received

| ***Allegations*** | ***No. of Complaints*** |
|---|---|
| Trust Account Violations..... | 1 |
| Conflict of Interest..... | 9 |
| Neglect and/or Incompetence..... | 57 |
| Misrepresentation or Fraud..... | 8 |
| Improper Withdrawal……..... | 1 |
| Fees..... | 8 |
| Improper Communications..... | 15 |
| Prosecutorial Misconduct..... | 2 |

Advertising Violations.....1
Improper Statements about Judge…….2
Improper Means……4
UPL……...1
Improper Trial Publicity……1
Lack of Fairness to Opposing Party/Counsel……..... 4
Contact with Represented Party…….. 1
Meritless Claims or Defenses……. 1
Lack of Diligence…… 6
Other..... 5
Total number of complaints received..... 170*

*Denotes total number of complaints received through 3/31/2022. May differ from the total number reflected in allegations due to reporting timing.