

West's New Mexico Rules Annotated Currentness  
State Court Rules  
    ☞ Rules of Professional Conduct  
        ☞ Article 3. Advocate

### →RULE 16-302. EXPEDITING LITIGATION

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

#### ABA COMMENT TO MODEL RULES

Dilatory practices bring the administration of justice into disrepute. Delay should not be indulged merely for the convenience of the advocates, or for the purpose of frustrating an opposing party's attempt to obtain rightful redress or repose. It is not a justification that similar conduct is often tolerated by the bench and bar. The question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay. Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client.

#### LIBRARY REFERENCES

Attorney and Client ☞32(4), 112.  
Westlaw Key Number Searches: 45k32(4); 45k112.  
C.J.S. Attorney and Client §§ 45 to 46, 258 to 260.

#### NOTES OF DECISIONS

##### **In general 1**

##### 1. In general

Three-year suspension, with second and third years deferred in favor of supervised probation upon satisfaction of various conditions, was warranted sanction for attorney misconduct, including neglect of client matters and failure to communicate with clients and disciplinary counsel, even though attorney claimed conduct was result of mental stress and alcohol use, where attorney was previously disciplined for similar conduct, attorney did not seem to appreciate harm done by self-described obstinance, conduct resulted in needless use of limited judicial resources, clients, who attorney represented pursuant to public defender contract, were particularly vulnerable due to incarceration and indigency, and attorney did not demonstrate prolonged period of rehabilitation. NMRA, Rules 16-101, 16-103, 16-104, 16-302, 16-803, subd. D, 16-804, subds. D, H, 17-206, subd. A(2), In re Allred, 2001, 130 N.M. 490, 27 P.3d 977. Attorney And Client ☞ 59.17(3)

Two-year deferred suspension from practice of law was warranted for attorney's failure to properly pursue his client's appeal from conviction for first-degree murder, failure to provide competent representation, and failure to act diligently and promptly on client's behalf, and for attorney's engaging in conduct prejudicial to the administration of justice and which reflected adversely on his fitness to practice law, in light of aggravating factor that client was incarcerated during time of misconduct and without sufficient resources to hire another attorney. NMRA, Rules 16-101, 16-103, 16-302, 16-804, subds. D, H. In re Neal, 2001, 130 N.M. 139, 20 P.3d 121.