



NM R RPC Rule 16-803

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NMRA, Rule 16-803

West's New Mexico Rules Annotated Currentness

State Court Rules

▣ Rules of Professional Conduct

▣ Article 8. Maintaining The Integrity of the Profession

**→RULE 16-803. REPORTING PROFESSIONAL MISCONDUCT**

**A. Misconduct of Other Lawyers.** A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

**B. Misconduct of Judges.** A lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct or has engaged in conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

**C. Confidential Information.** This rule does not require a disclosure of information otherwise protected by Rule 16-106.

**D. Cooperation and Assistance; Required.** A lawyer shall give full cooperation and assistance to the highest court of the state and to the disciplinary board, hearing committees and disciplinary counsel in discharging their respective functions and duties with respect to discipline and disciplinary procedures.

**E. Alcohol and Substance Abuse Exception.** The reporting requirements set forth in Paragraphs A and B of this rule do not apply to any communication concerning alcohol or substance abuse by a judge or attorney that is:

- (1) intended to be confidential;
- (2) made for the purpose of reporting substance abuse or recommending, seeking or furthering the diagnosis, counseling or treatment of a judge or an attorney for alcohol or substance abuse; and
- (3) made to, by or among members or representatives of a lawyers support group, Alcoholics Anonymous, Narcotics Anonymous or other support group recognized by the Judicial Standards Commission or the Disciplinary Board. Recognition of any additional support group by the Judicial Standards Commission or Disciplinary Board shall be published in the Bar Bulletin.

This exception does not apply to information that is required by law to be reported or to disclosures or threats of future criminal acts or violations of these rules.

**ABA COMMENT TO MODEL RULES**

Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.