Administrative Office of the Courts

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SUPREME COURT DISCIPLINES ALBUQUERQUE ATTORNEY FOR INTENTIONALLY DISREGARDING COURT RULES

SANTA FE – The state Supreme Court today affirmed the indefinite suspension of Albuquerque attorney Daniel M. Salazar, who was held in contempt by the justices last year for failing to comply with the Court's initial disciplinary order.

"Rules matter. An attorney must conform his or her conduct to the requirements of the rules and orders of this Court," the state's highest court said in a unanimous written opinion by Justice Barbara J. Vigil. "The discipline we impose may salvage Salazar's potential and ability to practice law. This period of suspension will enable Salazar to reform his dilatory ways and accept responsibility for the harm he has inflicted on his clients and the fair administration of justice in New Mexico."

The Court suspended Salazar from the practice of law on Nov. 9, 2018 for at least a year because of misconduct stemming from his "flagrant and intentional disregard" for procedural rules governing court case appeals. As conditions for reinstatement to the practice of law, Salazar had to complete continuing legal education and submit to an investigation by the Board of Bar Examiners. Later that month, despite being suspended, Salazar asked the Court to reconsider its disciplinary order and he described himself as the "attorney of record" in the case.

In December 2018, the Court extended Salazar's indefinite suspension so that he could not seek reinstatement for at least 18 months. The Court also held Salazar in contempt for not complying with its November disciplinary order and requirements for suspended attorneys, including giving written notice of the suspension to each client, opposing attorneys in all pending cases and to all courts overseeing a pending case with the suspended lawyer.

The Court said Salazar repeatedly failed to comply with deadlines for the timely filings of notices of appeals and submitting documents with appellate courts that summarize the facts of the case and outline the legal issues raised in the appeal.

In a first-degree murder case, Salazar waited nearly three years to file a notice of appeal after his client, Jason Nowicki, was sentenced in 2016. According to court rules, such a notice shall be filed within 30 days of a court judgment or order.

“Salazar’s lack of competence and diligence left his client in legal limbo, anxiously wondering for nearly three years whether he would ever have the opportunity to be heard on appeal,” the Court said.

Salazar had been disciplined previously for professional misconduct. He accepted an informal admonition in 2015 and was formally reprimanded in 2017.

During the most recent disciplinary proceeding that led to the suspension, Salazar contended the rules governing appellate filing deadlines did not apply to him as a criminal defense attorney. In one case, Salazar indicated he had waited seven months to file a notice of appeal in hopes that a new judge would act favorably on his request for a new trial for his client.

“If one disagrees with the rules, there is a process by which court rules are amended. Ignoring them is not an option. Procedural gamesmanship in an effort to skirt the requirements of our rules cannot and will not be tolerated,” the Court said.

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To read the decision in *In re Salazar*, No. S-1-SC-37306, please visit **NMOneSource.com 2.0** using the following link:

https://nmonesource.com/nmos/nmsc/en/item/405935/index.do

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