

**In the Matter of Disbarment Proceedings against Harvey C.  
MARKLEY**

No. 6194

SUPREME COURT OF NEW MEXICO

1957-NMSC-003, 62 N.M. 119, 305 P.2d 731

January 11, 1957

**OPINION**

{\*119} Order.

{1} This matter coming on for consideration by the Court upon the Report of Referees charging respondent Harvey C. Markley with unethical and unprofessional conduct in the practice of law, and including Findings of Fact, Conclusions of Law and Recommendations, and the Court being sufficiently advised in the premises, Chief Justice LUJAN, Mr. Justice SADLER, Mr. Justice McGHEE and Mr. Justice COMPTON participating, and the decision of Mr. Justice KIKER, being absent, announced by Mr. Justice McGHEE,

{2} It Is Ordered that the Report of Referees filed herein be and the same is hereby adopted in its entirety.

{\*120} {3} It Is Further Ordered that the respondent Harvey C. Markley be and he is hereby adjudged guilty of unprofessional and unethical conduct in the practice of law, as fully set forth in the Report of Referees, and the said Harvey C. Markley be and he is hereby, in open Court, censured and reprimanded for such unethical and unprofessional conduct in the practice of law.

{4} It Is Further Ordered that the order of suspension heretofore imposed by the Hon. John R. Brand, Judge of the District Court of Lea County, New Mexico, be and it is hereby terminated and the respondent Harvey C. Markley is hereby reinstated as a member of the bar of the State of New Mexico in good standing.

{5} It Is Further Ordered that the record shall show that the foregoing decision is concurred in by Chief justice LUJAN, Mr. Justice SADLER and Mr. Justice COMPTON; that Mr. Justice McGHEE and Mr. Justice KIKER concur in the portions thereof adopting the recommendations of Referees that the Court reprimand the respondent, but dissent from the refusal of the majority to order further suspension of respondent for the reason

that it is the opinion of the said Mr. Justice McGHEE and Mr. Justice KIKER that the Court should order a further suspension of six months from this date.

**{6}** It Is Further Ordered that the record shall show that it is the unanimous opinion of the Court that the Hon. John R. Brand, District Judge, acted within the scope of his jurisdiction in entering an order suspending the respondent from practicing law within the County of Lea, State of New Mexico, until the matter of his conduct was considered and decided here.