

DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2007 to March 31, 2007

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Jennie Deden Behles, Albuquerque (Disciplinary No. 12-2005-500): NM Supreme Court ordered an indefinite suspension for a minimum of three years for trust account violations; the suspension was deferred in favor of supervised probation with conditions to include: (a) a demonstration by the attorney that she is personally supervising the operation of her trust account and record keeping; (b) the completion of two random audits; and (c) the payment of costs associated with discipline.

Charges Filed

Charges were filed against an attorney for allegations of failing to communicate with clients; failing to provide accountings and to return unearned portions of retainers after clients terminated representation; failing to refund remainder of money held in trust to a client; and failing to cooperate in the investigations conducted by the office of disciplinary counsel.

Charges were filed against an attorney for allegations of failing to competently represent a client; failing to keep a client reasonably informed about the status of a matter; failing to explain a matter to the extent necessary to permit a client to make an informed decision regarding the representation; and making a false statement of material fact to a tribunal.

Petitions for Reinstatement Filed

Petitions for reinstatement filed0

Formal Reprimands

Total number of attorneys formally reprimanded1

F. Douglas Moeller (Disciplinary No. 07-206-510): Attorney formally reprimanded for using threatening language toward an opposing party after a hearing; said conduct disrupted a tribunal and was prejudicial to the administration of justice, in violation of Rule 16-305(C) and Rule 16-804(D), respectively, of the Rules of Professional Conduct.

Informal Admonitions

Total number of attorneys admonished0

Letters of Caution

Total number of attorneys cautioned7

Attorneys were cautioned for the following conduct: (1) failing to communicate with client and failing to promptly respond to client’s request for a refund and for the return of the client’s file; (2) failing to alert clients to extended delays in their cases due to attorney’s personal issues and failing to make arrangements with other attorneys to address client needs; (3) including language in fee agreement that indicated that fees were to be forfeited to attorney’s firm in the event of attorney’s withdrawal from client’s case; (4) failing to communicate the basis (or rate) of the attorney’s fee before or within a reasonable time after commencing representation; (5) failing to amend a complaint to sue the correct parties; (6) accepting representation of a spouse in a divorce case where attorney conducted an initial interview with opposing spouse but did not elicit confidential information; and (7) failing to comply with Rule 16-702(E) of the Rules of Professional Conduct with respect to permissible fee information in attorney advertisements.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations	13
Conflict of Interest	1
Neglect and/or Incompetence	60
Misrepresentation or Fraud	13
Relationship with Client or Court	15
Fees	6
Improper Communications	5
Criminal Activity	0
Personal Behavior	4
Other	20
Total number of complaints received	137