

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2007 to September 30, 2007

*REPORT BY DISCIPLINARY COUNSEL*

## Final Decisions

Final Decisions of the NM Supreme Court .....0

## Charges Filed

Charges were filed against an attorney for allegations of communicating directly with a party, knowing that the party was represented by an attorney, and stating or implying an ability to improperly influence a court.

Charges were filed against an attorney for allegations of failing to cooperate in the investigation conducted by the office of disciplinary counsel and failing to act competently and diligently in representing certain clients.

Charges were filed against an attorney for allegations of failing to cooperate in the investigations conducted by the office of disciplinary counsel, failing to provide competent representation to certain clients, and failing to explain matters to the extent reasonably necessary to permit certain clients to make informed decisions regarding representation.

## Petitions for Reinstatement Filed

Petitions for reinstatement filed .....1

*Lana E. Marcussen* (Supreme Court No. 26,217): *Emergency Motion to Reinstate License to Practice Law* filed on September 19, 2007; Respondent suspended from the practice of law pursuant to Rule 17-203(C) of the Rules Governing Discipline for failure to pay child support.

## Formal Reprimands

Total number of attorneys formally reprimanded ..... 1

*Gerald R. Bloomfield* (Disciplinary No. 05-2006-508): Attorney formally reprimanded for failing to respond to disciplinary counsel's requests for information regarding two complaints filed against him by former clients, in violation of Rule 16-801(B) and Rule 16-803(D) of the Rules of Professional Conduct.

**Informal Admonitions**

Total number of attorneys admonished .....4

Attorneys were admonished for the following conduct: (1) representing a client in one lawsuit while suing that client in a different lawsuit, in violation of Rule 16-107(A) of the Rules of Professional Conduct; (2) failing to maintain records required under Rule 17-204(A) of the Rules Governing Discipline and depositing client funds into an operating account prior to earning said funds, in violation of Rule 16-115(A) of the Rules of Professional Conduct; (3) representing a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer, in violation of Rule 16-111(A) of the Rules of Professional Conduct; and (4) communicating *ex parte* with an arbitrator before and after receiving the arbitrator’s ruling, in violation of Rule 16-305(B) and (C) of the Rules of Professional Conduct, and filing a baseless claim in an attempt to obtain additional settlement funds, in violation of Rule 16-804(D) of the Rules of Professional Conduct.

**Letters of Caution**

Total number of attorneys cautioned .....6

Attorneys were cautioned for the following conduct: (1) possibly charging a client an excessive fee and failing to promptly respond to a client’s requests for information; (2) failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding representation; (3) failing to provide monthly billing statements to a client and failing to be available for personal consultations with a client to the extent necessary to discharge the obligations set forth in Rule 16-104 of the Rules of Professional Conduct; (4) failing to timely respond to disciplinary complaints filed with the office of disciplinary counsel; (5) possibly engaging in the unauthorized practice of law; and (6) failing to adequately communicate with a client and to request court approval of withdrawal from representation when a client conflict could not be resolved.

## Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	8
Conflict of Interest .....	1
Neglect and/or Incompetence .....	38
Misrepresentation or Fraud .....	14
Relationship with Client or Court .....	12
Fees .....	6
Improper Communications .....	1
Criminal Activity .....	2
Personal Behavior .....	2
Other .....	11
Total number of complaints received .....	95