

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2007 to December 31, 2007

*REPORT BY DISCIPLINARY COUNSEL*

## **Final Decisions**

Final Decisions of the NM Supreme Court ..... 1

*Stuart L. Stein*, Albuquerque (Disciplinary No. 02-2006-505): NM Supreme Court ordered the attorney immediately disbarred from the practice of law for violating conflict of interest rules in a matter involving an incapacitated client, attempting to have a person for whom a guardian had been appointed execute a will to undo provisions of a trust, and ignoring a judge's order.

## **Charges Filed**

Charges were filed against an attorney for allegations of engaging in conduct intended to disrupt, and which in fact disrupted, a tribunal; engaging in conduct prejudicial to the administration of justice; and engaging in conduct adversely reflecting on the attorney's fitness to practice law.

Charges were filed against an attorney for allegations of failing to provide competent, diligent representation, failing to cooperate in the investigation conducted by the office of disciplinary counsel, charging an unreasonable fee, failing to keep funds belonging to a client separate from the attorney's own funds, and engaging in conduct involving misrepresentation or deceit.

Charges were filed against an attorney for allegations of failing to provide competent, diligent representation, charging an unreasonable and excessive fee, engaging in conduct involving dishonesty and misrepresentation, and failing to protect a client's interests upon termination of representation.

Charges were filed against an attorney for failing to cooperate in the investigation conducted by the office of disciplinary counsel, failing to provide competent representation, failing to act diligently and promptly on behalf of a client, and failing to adequately communicate with a client.

**Petitions for Reciprocal Discipline Filed**

Petitions for reciprocal discipline filed ..... 1

Petition for reciprocal discipline filed against an attorney suspended from the practice of law in another state for charging an illegal or excessive fee; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and engaging in conduct that adversely reflected on his/her fitness to practice law.

**Petitions for Reinstatement Filed**

Petitions for reinstatement filed .....0

**Formal Reprimands**

Total number of attorneys formally reprimanded .....0

**Informal Admonitions**

Total number of attorneys admonished .....1

An attorney was admonished for ignoring a dispositive motion filed by a party opponent against a client and for filing a response to said motion approximately thirty days late, resulting in a money judgment against the client, in violation of Rules 16-101 and 16-103 of the Rules of Professional Conduct.

**Letters of Caution**

Total number of attorneys cautioned .....7

Attorneys were cautioned for the following conduct: (1) failing to promptly remove earned fees from trust for a period of several years, possibly in violation of Rule 16-115(A) of the Rules of Professional Conduct which prohibits the commingling of client funds and attorney funds; (2) engaging in joint representation in a criminal case which, under different circumstances, could have resulted in a violation of Rule 16-107(B) of the Rules of Professional Conduct; (3) possibly charging an excessive fee; (4) possibly engaging in conduct involving dishonesty; (5) not addressing a possible substance abuse problem which might have interfered with the attorney’s practice of law; (6) failing to promptly comply with a client’s reasonable requests for information and failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding the representation; and (7) attempting to collect unearned fees, possibly in violation of Rule 16-105(A) of the Rules of Professional Conduct.

## Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	8
Conflict of Interest .....	3
Neglect and/or Incompetence .....	42
Misrepresentation or Fraud .....	8
Relationship with Client or Court .....	22
Fees .....	6
Improper Communications .....	3
Criminal Activity .....	0
Personal Behavior .....	1
Other .....	21
Total number of complaints received .....	114