

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1–June 30, 2008

## Report By Disciplinary Counsel

### Final Decisions

Final Decisions of the N.M Supreme Court .....0

### Resignations in Lieu of Discipline .....2

*Anthony Lawrence Romo* (Disciplinary No. 02-2008-538): NM Supreme Court accepted the attorney's application to resign from the New Mexico State Bar by Order of April 17, 2008.

*Albert J. Granger* (Disciplinary No.05-2008-542): NM Supreme Court accepted the attorney's application to resign from the New Mexico State Bar by Order of June 18, 2008.

### Summary Suspensions

Total number of attorneys summarily suspended .....0

### Disability Suspensions

Total number of attorneys placed on disability suspension .....0

### Charges Filed

Charges were filed against an attorney for allegations of failing to competently represent clients; failing to act with reasonable diligence and promptness in representing clients; failing to keep clients reasonably informed about the status of their legal matters; charging unreasonable fees; failing to safeguard client funds by using unearned fees for personal use; making cash withdrawals from a trust account; and failing to cooperate with disciplinary counsel in the investigations conducted by the office of disciplinary counsel.

Charges were filed against an attorney for failing to provide competent representation to a client; filing a claim and/or contention that was not meritorious; failing to make reasonable efforts to expedite litigation consistent with the interests of a client; making a false statement of material fact or law to a tribunal; failing to make a reasonably diligent effort to comply with a proper discovery request by an opposing party; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to competently represent a client; failing to act with reasonable diligence and promptness in representing a client; and failing to hold client property in connection with legal representation separate from the attorney's own property.

Charges were filed against an attorney for allegations of counseling and assisting clients to engage in conduct that the attorney knew to be criminal and/or fraudulent; committing criminal acts that reflect adversely on the attorney's honesty, trustworthiness, or fitness as a lawyer in other respects; and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Charges were filed against an attorney for failing to provide competent representation to a client; failing to promptly respond to a client's reasonable requests for information; charging an unreasonable fee; failing to withdraw from representation when the attorney's physical or mental condition materially impaired the attorney's ability to represent a client; failing to safeguard client funds by commingling personal and client funds in the attorney's trust account and failing to deposit advance fees into trust; failing to safeguard client funds by repeatedly overdrawing the trust account; failing to generate and maintain complete records of trust account activity as required by Rule 17-204 of the Rules Governing Discipline; and failing to cooperate with disciplinary counsel in the investigation conducted by the office of disciplinary counsel.

Charges were filed against an attorney for allegations of excessive billing.

Charges were filed against an attorney for allegations of failing to competently represent a client; failing to act with reasonable diligence and promptness in representing a client; failing to promptly respond to a client's reasonable requests for information; and failing to cooperate with disciplinary counsel in the investigation conducted by the office of disciplinary counsel.

### Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed .....0

### Petitions for Reinstatement Filed

Petitions for reinstatement filed .....2

*Helen A. Downey* (Disciplinary No. 05-2008-544): Request for reinstatement filed on May 6, 2008; NM Supreme Court remanded to Disciplinary Board for further action on May 6, 2008.

*D. Diego Zamora* (Disciplinary No. 04-2008-541): Request for reinstatement filed on April 7, 2008; NM Supreme Court remanded to Disciplinary Board for further action on April 7, 2008.

### Formal Reprimands

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

*Stephen G. Ryan* (Disciplinary No. 05-2007-523): 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 .....0

## Letters of Caution

Total number of attorneys cautioned ..... 10

Attorneys were cautioned for the following conduct: (1) failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding representation; (2) failing to maintain a trust account using a method which complies with the applicable trust account requirements; (3) failing to cooperate in an investigation conducted by the office of disciplinary counsel; (4) charging an unreasonable fee; (5) communicating with a represented party about a matter in the course of representing a client in the same matter; (6) failing to act promptly and diligently on behalf of a client and failing to adequately communicate with a client; (7) filing a frivolous action; (8) failing to outline in writing the terms of a loan transaction involving a client and to obtain written consent regarding the loan transaction from the client; (9) failing to timely identify an expert and to timely file a notice of appeal on behalf of a client; and (10) failing to competently represent a client.

## Complaints Received

Allegations	No. of Complaints
Trust Account Violations	16
Conflict of Interest	0
Neglect and/or Incompetence	43
Misrepresentation or Fraud	11
Relationship with Client or Court	10
Fees	7
Improper Communications	2
Criminal Activity	1
Personal Behavior	6
Other	19
Total number of complaints received	115