

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2008 to September 30, 2008

*REPORT BY DISCIPLINARY COUNSEL*

## **Final Decisions**

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

**Resignations in Lieu of Discipline** .....0

## **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; charging unreasonable fees; knowingly acquiring an interest adverse to client on terms that were not fair and reasonable; assisting a person not a member of the bar in performance of activities that constitute the unauthorized practice of law; failing to safeguard client funds and failing to maintain proper trust account records.

Charges were filed against an attorney for allegations of charging excessive fees and engaging in conduct involving fraud, dishonesty, deceit or misrepresentation.

Charges were filed against an attorney for allegations of failure to safeguard client funds and failure to maintain proper trust account records.

Charges were filed against an attorney for allegations of obstructing another party's access to evidence, making a frivolous discovery request, conduct disruptive to a tribunal, conduct prejudicial to the administration of justice, conduct adversely reflecting on fitness, failure to respond to disciplinary counsel and failure to cooperate with disciplinary counsel.

## **Petitions for Reciprocal Discipline Filed**

Petitions for reciprocal discipline filed ..... 1

Petition for reciprocal discipline filed against an attorney suspended in another state for engaging in the unauthorized practice of law; making a false statement of material fact to the tribunal; failing to disclose to the tribunal legal authority in a controlling jurisdiction known to be directly adverse to the client's position; failure to correct a misunderstanding when dealing with an unrepresented party; failure to properly supervise non-lawyer assistants; and engaging in conduct involving fraud, deceit or misrepresentation.

**Petitions for Reinstatement Filed**

Petitions for reinstatement filed .....0

**Formal Reprimands**

Total number of attorneys formally reprimanded .....2

*Henry J. Baca* (Disciplinary No. 04-2007-521): 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.

*Patricia S. Ortiz* (Disciplinary No. 01-2008-534) Attorney formally reprimanded for making lewd and disparaging comments against the Judge in her case and the opposing counsel in violation of Rules 16-802(A), 16-804(C), 16-804(D) and 16-804(H) of the Rules of Professional Conduct.

**Informal Admonitions**

Total number of attorneys admonished .....0

**Letters of Caution**

Total number of attorneys cautioned .....8

Attorneys were cautioned for the following conduct: (1) failure to correct a misstatement to the court; (2) failure to correct a misconception to the client; (3) failure to properly withdraw from representation when the attorney's personal circumstance materially limited the representation (2 letters of caution issued); (4) failure to timely communicate with a client; (5) communicating with a represented party about a matter in the course of representing a client in the same matter; (6) failure to withdraw from representation when that representation will result in a violation of the Rules of Professional Conduct or other law; and (7) use of profanity and threats of physical violence during the course of representation.

## Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	21
Conflict of Interest .....	2
Neglect and/or Incompetence .....	38
Misrepresentation or Fraud .....	13
Relationship with Client or Court .....	21
Fees .....	12
Improper Communications .....	5
Criminal Activity .....	0
Personal Behavior .....	3
Other .....	18
Total number of complaints received .....	133