

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2008 to December 31, 2008

## REPORT BY DISCIPLINARY COUNSEL

### Final Decisions

Final Decisions of the NM Supreme Court .....5

*Matter of Charles A. Marcus* Albuquerque (Disciplinary No. ) NM Supreme Court ordered disbarment for failing to provide competent representation, failing to act with reasonable diligence and promptness, failing to return unearned fees failing to cooperate with disciplinary counsel.

*Matter of Edmund D. Kahn* Tucson (Disciplinary No. ) NM Supreme Court ordered a three year suspension as reciprocal discipline for suspension in another state.

*Matter of Robert L. Lovett* Las Cruces (Disciplinary No.) NM Supreme Court ordered a three year indefinite suspension, deferred in favor of supervised probation for trust account violations.

*Matter of Karl T. Werner* Albuquerque (Disciplinary No. ) NM Supreme Court ordered an indefinite suspension for failing to provide competent representation, failing to act with reasonable diligence and promptness in representing a client, failing to return unearned fees and failing to cooperate with disciplinary counsel.

The Court issued an additional final decision in a sealed matter.

**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 charging an unreasonable fee,

failing to maintain proper trust account records, failing to competently represent a client and failing to adequately communicate with a client.

Charges were filed against an attorney for allegations of filing a non-meritorious claims and for engaging in conduct involving fraud, dishonesty, deceit or misrepresentation.

Charges were filed against an attorney for allegations of failing to respond to disciplinary counsel, failing to competently represent a client and failing to expedite litigation consistent with the interests of a client.

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

Charges were filed against an attorney for failing to respond to disciplinary counsel.

Charges were filed against an attorney for allegations of false statements, engaging in improper ex-parte contact, engaging in conduct involving fraud, dishonesty, deceit or misrepresentation, and failing to properly maintain trust account records.

**Petitions for Reciprocal Discipline Filed**

Petitions for reciprocal discipline filed ..... 0

**Petitions for Reinstatement Filed**

Petitions for reinstatement filed .....1

*Matter of Herbert A. Becker* (Supreme Court. No.) Petition for reinstatement filed December 22, 2008. NM Supreme Court remanded to the Disciplinary Board December 22, 2008.

**Formal Reprimands**

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

**Informal Admonitions**

Total number of attorneys admonished .....2

An attorney was admonished for failing to act with reasonable diligence in representing a client, failing to keep a client reasonably informed about the status of a matter, making a false statement of a material fact to a third person, engaging in conduct prejudicial to the administration of justice, and engaging in conduct that adversely effects fitness to practice law.

An attorney was admonished for failing to competently represent a client, failing to act with reasonable diligence in representing a client, representing a client when a conflict of interest was present, and engaging in conduct prejudicial to the administration of justice.

**Letters of Caution**

Total number of attorneys cautioned .....6

Attorneys were cautioned for the following conduct: (1) failure to properly bill clients in accordance with Rule 16-115; (2) failure to adequately screen for conflicts of interest; (3) entering into a business transaction with a client; and (4) failure to timely communicate with a client and failure to act with reasonable promptness and diligence in representing a client (3 letters of caution issued).

**Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	15
Conflict of Interest .....	2
Neglect and/or Incompetence .....	57
Misrepresentation or Fraud .....	5
Relationship with Client or Court .....	20
Fees .....	8
Improper Communications .....	6
Criminal Activity .....	<del>0</del> 1
Personal Behavior .....	6
Other .....	15
Total number of complaints received .....	135.

4