

DISCIPLINARY QUARTERLY REPORT REPORTING PERIOD: APRIL 1, 2009–JUNE 30, 2009

Report By Disciplinary Counsel

Final Decisions

Final Decisions of the NM Supreme Court 4

Matter of Herbert A. Becker, Esq.
(Disciplinary No. 01-2009-562) New Mexico Supreme Court reinstated Respondent to active status effective June 16, 2009.

Matter of John F. Dietz, Esq.
(Disciplinary No. 03-2009-565) New Mexico Supreme Court entered an order of reciprocal discipline, suspending Respondent for one year and one day, all stayed, consistent with discipline in another jurisdiction.

Matter of David Housman, Esq.
(Disciplinary No. 11-2008-556) New Mexico Supreme Court entered an order of Indefinite Suspension. Respondent will not be allowed to petition for reinstatement until he has completed criminal probation. New Mexico Supreme Court entered an additional order 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 failure to provide competent representation, failure to act promptly and diligently on behalf of a client and failing to keep the client informed about the status of a matter.

Charges were filed against an attorney for allegations of criminal conduct.

Charges were filed against two attorneys for engaging in improper fee splitting.

Charges were filed against an attorney for failure to cooperate with disciplinary counsel.

Petitions for Reciprocal Discipline Filed Petitions for reciprocal discipline filed 0

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 6

An attorney was informally admonished for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation and charging unreasonable fees in violation of Rules 16-104(B) and 16-105(A) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to promptly and diligently represent a client and failing to explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation in violation of Rule 16-103 and 16-104(B) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to promptly and diligently represent a client, failing to expedite litigation and engaging in conduct prejudicial to the administration of justice in violation of Rules 16-103, 16-302 and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to competently and diligently represent a client in violation of Rules 16-101 and 16-103 of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for failing to competently and diligently represent a client in violation of Rules 16-101 and 16-103 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to communicate with the client the scope of representation in violation of Rule 16-102 of the Rules of Professional Conduct.

Letters of Caution Total number of attorneys cautioned 15

Attorneys were cautioned for the following conduct: (1) failure to adequately screen for conflicts of interest; (2) improper fee splitting and unreasonable fees; (3) subsidizing litigation and improper solicitation; (4) improper solicitation (2 letters of caution issued); (5) lack of competence and diligence (6 letters of caution issued); (6) the use of “non-refundable retainer” language in a fee agreement (2 letters of caution issued); (7) potentially filing meritless claims and/or contentions; and (8) unprofessional behavior.

Complaints Received	
<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	16
Conflict of Interest.....	2
Neglect and/or Incompetence.....	42
Misrepresentation or Fraud.....	10
Relationship with Client or Court.....	17
Fees.....	11
Improper Communications.....	3
Criminal Activity.....	0
Personal Behavior.....	7
Other.....	11
Total number of complaints received.....	119