

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2009 to September 30, 2009

## REPORT BY DISCIPLINARY COUNSEL

### Final Decisions

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

*Matter of Jose Silva, Esq.* (Disciplinary No. 02-2009-564): New Mexico Supreme Court entered an order of indefinite suspension, ordered that Respondent pay restitution to his client, and ordered conditions prior to any application for reinstatement.

*Matter of Manny Aragon, Esq.* (Disciplinary No. 05-2009-569): New Mexico Supreme Court entered an order adopting a consent agreement and disbaring Respondent.

*Matter of Victoria Williams, Esq.* (Disciplinary No. 12-2008-561): New Mexico Supreme Court entered an order disbaring Respondent, ordered Respondent to make restitution to her trust account, and ordered Respondent to pay the costs of the disciplinary proceeding.

*Matter of John W. Fisk, Esq.* (Disciplinary No.02-2009-563): New Mexico Supreme Court entered an order of indefinite suspension, ordered Respondent to make restitution to two clients, and ordered that Respondent pay the costs of the disciplinary proceeding.

*Matter of Rudy Ortiz, Esq.* (Disciplinary No. 11-2008-557): New Mexico Supreme Court entered an order disbaring Respondent, ordered that Respondent pay restitution to a client, ordered the Disciplinary Board to obtain all trust account records to investigate further improprieties, and ordered Respondent to pay the costs of the disciplinary proceeding.

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

### Summary Suspensions

Total number of attorneys summarily suspended .....2

*Matter of Nettie M. Griffin, Esq.* (Disciplinary No. 06-2009-571) Tye Harmon, Esq., inventorying attorney.

*Matter of Elliott L. Weinreb, Esq.* (Disciplinary No. 07-2009-572) Kristina Bogardus, Esq., inventorying attorney.

## **Disability Suspensions**

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

## **Charges Filed**

Charges were filed against an attorney for failing to competently represent a client, failing to act with reasonable diligence and promptness in representing a client, failing to return an unearned fee, failing to cooperate with disciplinary counsel, and engaging in conduct prejudicial to the administration of justice.

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

Charges were filed against an attorney for failing to competently represent a client, failing to act with reasonable diligence and promptness in representing a client, failing to communicate with a client, failing to return an unearned fee, failing to cooperate with disciplinary counsel, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for intentionally manifesting, by words or conduct, a bias or prejudice based on race, asserting an issue in a proceeding which has no basis for doing so that is not frivolous, using means that have no substantial purpose other than to embarrass, delay or burden a third person, making a statement with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge and/or public legal officer, engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for failing to competently represent a client, failing to act with reasonable diligence and promptness in representing a client, continuing to represent clients when the representation was materially limited by the attorney's personal interests, and failing to withdraw when the attorney's mental condition impaired the representation.

Charges were filed against an attorney for charging an excessive fee, failing to hold property separate from the attorney's own, failing to cooperate with disciplinary counsel and engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation.

Charges were filed against an attorney for failing to provide competent representation, failing to act diligently and promptly, charging an excessive fee, failing to properly safeguard funds belonging to a third party, failing to properly maintain trust account records, failing to ensure non-lawyer staff complied with the Rules of Professional Conduct and engaging in conduct prejudicial to the administration of justice.

## **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 .....0

**Letters of Caution**

Total number of attorneys cautioned .....12

Attorneys were cautioned for the following conduct: (1) improper contact with represented parties; (2) false statements to a tribunal and using means that have no substantial purpose other than embarrass, delay or burden a third person (2 letters of caution issued); (3) failure to communicate; (4) lack of competence and diligence (2 letters of caution issued); (5) failure to abide by the client’s decisions concerning the objectives of representation and failing to consult with the client as to the means by which they are to be pursued; (6) ex-parte contact; (7) failing to take reasonable steps to protect a client’s interest upon termination of the representation; (8) entering into a business relationship with a client; (9) failing to timely disclose evidence that tends to negate the guilt of the defendant; and (10) failure to timely respond to disciplinary counsel.

**Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	6
Conflict of Interest .....	1
Neglect and/or Incompetence .....	62
Misrepresentation or Fraud .....	9
Relationship with Client or Court .....	21
Fees .....	13
Improper Communications .....	5
Criminal Activity .....	0
Personal Behavior .....	12

Other .....22  
Total number of complaints received ..... 151