

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2010 – June 30, 2010

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court3

Matter of Nettie N. Griffin, Esq. (Disciplinary No. 06-2009-571) New Mexico Supreme Court entered an order of Indefinite Suspension. The entire period of suspension is Deferred as long as conditions in the order are met, which are successfully completing MPRE in July 2010 and restitution is made. The Court also order supervised probation for a period of one (1) year.

Matter of Carlos William Fierro, Esq. (Disciplinary No. 03-2010-589) New Mexico Supreme Court entered an order of Indefinite Suspension. It is further order that Respondent will remain under the jurisdiction of the Disciplinary Board for further discipline or reinstatement after released from prison.

Matter of Dennis T. Martinez, Esq. (Disciplinary No. 09-2009-576) New Mexico Supreme Court entered an order of Disbarment. Respondent's files and trust account records will be located and an inventory attorney appointed. Respondent was ordered to reimburse the Client Protection Fund. It was further ordered that prior any application for reinstatement, Respondent shall pay costs to the Disciplinary Board and the Client Protection Fund, and shall comply with Rules 17-212 and 17-214(A) NMRA.

Resignations in Lieu of Discipline0

Summary Suspensions

Total number of attorneys summarily suspended0

Disability Suspensions

Total number of attorneys placed on disability suspension0

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, failing to keep the client informed about the status of a matter, engaging in a pattern of misconduct, and failing to timely respond to disciplinary counsel’s requests.

Charges were filed against two attorneys for acting adverse to the client’s interest, falsifying documents, general misrepresentation to the Court, engaging in a pattern of misconduct and engaging in excessive fees.

Charges were filed against an attorney for trust account violations.

Charges were filed against an attorney for engaging in a pattern of misconduct and failing to hold property of a third person separate from the attorney’s own property.

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed0

Petitions for Reinstatement Filed

Petitions for reinstatement filed0

Formal Reprimands

Total number of attorneys formally reprimanded0

Informal Admonitions

Total number of attorneys admonished8

An attorney was informally admonished for failing to provide competent representation to a client; failing to act with reasonable diligence in representing a client; failing to reasonably consult with the client about the means by which the client’s objectives are to be accomplished; failing to keep the client reasonably informed about the status of the matter; failing to make reasonable efforts to expedite litigation consistent with the interest of you client and by engaging in conduct that is prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-104(A)(2), 16-104(A)(3), 16-302, and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for failing to communicate and inadequate preparation of documents in violation of Rules 16-101, 16-103, 16-104, and 16-303(A)(1) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to hold client funds separate from the attorney's funds, failing to deposit legal fees paid in advance in a trust account and withdrawing those fees only upon the monies being earned or expenses incurred in violation of Rule 16-115 of the Rules of Professional Conduct.

An attorney was informally admonished for representing a client where the representation is adverse to another client and for knowingly making a false statement of material fact to a third person in violation of Rules 16-107(A)(1), 16-401(A) and 16-804(C) of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for engaging in excessive billing practices in violation of Rule 16-105(A) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation, for failing to act with reasonable diligence and promptness in representation to a client, and for failing to have reasonable lawyer's fees in violation of Rules 16-101, 16-103, and 16-105 of the Rules of Professional Conduct.

An attorney was informally admonished for bringing or defending a proceeding that is frivolous, for knowingly making a false statement of fact to a tribunal or failing to correct a false statement of material fact, and for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rules 16-301, 16-303, and 16-804(C) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation, for failing to act with reasonable diligence and promptness in representation to a client, for failing to consult with the client about the means by which the client's objectives are to be accomplished, and by failing to keep the client reasonably informed about the status of the matter in violation of Rules 16-101, 16-103, 16-104(A)(2) and 16-104(3) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned16

Attorneys were cautioned for the following conduct: (1) general misrepresentation to the Court (2 letters of caution issued); (2) failure to file adequate pleadings (3 letters of caution

issued); (3) improper or misleading advertisement; (4) lack of competence and/or ineffective assistance of counsel (3 letters of caution issued); (5) Misdemeanor (DWI conviction); (6) false statements; (7) conflict of interest; (8) trust account overdraft notification; (9) threats to opposing party (2 letters of caution issued); (10) unprofessional behavior and (11) excessive fees.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations	9
Conflict of Interest	5
Neglect and/or Incompetence	90
Misrepresentation or Fraud	18
Relationship with Client or Court	15
Fees	8
Improper Communications	4
Criminal Activity	2
Personal Behavior	7
Other	21
Total number of complaints received	179