

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2010 – September 30, 2010

## REPORT BY DISCIPLINARY COUNSEL

### Final Decisions

Final Decisions of the NM Supreme Court .....6

*Matter of Michael L. Runnels, Esq.* (Disciplinary No. 11-2009-581) New Mexico Supreme Court entered an order of Indefinite Suspension for a minimum of one year. Prior to any application for reinstatement, Respondent must pay restitution and reimbursement to client and to the Client Protection Fund, Respondent shall pay costs to the Disciplinary Board, if Respondent fails to pay restitution by November 19, 2010, the order of suspension will be converted to an order of disbarment. The Respondent was further ordered to successfully complete the MPRE and perform 100 hours of community service and restitution is made.

*Matter of Peter R. Rames, Esq.* (Disciplinary No. 02-2010-587) New Prior to any application for reinstatement, Respondent is ordered to arrange practice under the supervision of another attorney or obtain employment as an attorney in a position where he will have a supervisor; before Respondent should decide to practice a sole practitioner, he must demonstrate that he has adopted proper bookkeeping and IOLTA procedures. Respondent was further ordered to successfully complete the MPRE and pay costs to the Disciplinary Board.

*Matter of Jose L. Arrieta, Esq.* (Disciplinary No. 10-2009-580) New Mexico Supreme Court entered an order of Indefinite Suspension for a time period no less than eighteen months. Prior to any application for reinstatement, Respondent must provide medical and other relevant evidence to show his fitness to resume the practice of law and Respondent shall provide a recommendation for a supervising attorney. Respondent was further ordered to continue to comply with the minimum continuing education requirements pursuant to Rule 18-201 NMRA and payment of costs to the Disciplinary Board. An inventory attorney has been assigned to take possession of the client files, documents, materials and records of respondent.

*Matter of David G. Reynolds, Esq.* (Disciplinary No. 05-2010-596) New Mexico Supreme Court entered an order of Definite Suspension for three months. Prior to any application for reinstatement Respondent shall have no complaints filed against him during the time of the suspension, Respondent shall retain a certified public accountant who shall audit Respondent's trust accounts, and Respondent shall pay costs to the Disciplinary Board.

*Matter of Nettie M. Griffin, Esq.* (Disciplinary No. 09-2009-575) New Mexico Supreme Court entered an order approving the Application of Resignation. If Respondent ever applies for readmission, Respondent must comply with the previous order issued by the Court.

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

**Summary Suspensions**

Total number of attorneys summarily suspended .....1

(Disciplinary No. 07-2010-598) New Mexico Supreme Court entered a Summarily Suspension in a sealed matter and an inventory attorney has been assigned to take possession of the client files, documents, materials and records of respondent.

**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 to a client, failure to act with reasonable diligence and promptness in representing a client, failure to keep a client reasonably informed about the status of a matter, failure to reasonably expedite litigation consistent with the interests of a client, failure to respond to a lawful demand for information from a disciplinary authority, failure to give full cooperation to disciplinary counsel, and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to provide competent representation to a client, failure to act promptly and diligently on behalf of a client, failure to make reasonable efforts to ensure that the firm had in effect measures giving reasonable assurance that the staff's conduct was compatible with the attorney's professional obligations, asserting frivolous claims and issues, making a false statement of fact or law to a tribunal and failing to correct a false statement of material fact previously made to the tribunal, offering evidence that the attorney knew was false, failure to make reasonable efforts to expedite litigation consistent with the interests of the client, knowingly disobeying an obligation under the rules of a tribunal, making statements with reckless disregard as to truth or falsity concerning the integrity of a judge, engaging in a concurrent conflict of interest by undertaking to represent client when there was a significant risk that the representation would be materially limited by the attorney's responsibilities to other clients, 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 .....2

*Matter of David G Housman, Esq.* (Disciplinary No. 10-2010-604) New Mexico Supreme Court issued an order reinstating Respondent to non-probationary active status.

*Matter of John W. Fisk, Esq.* (Disciplinary No. 09-2010-601) New Mexico Supreme Court issued an order reinstating Respondent to non-probationary active status.

**Formal Reprimands**

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

**Informal Admonitions**

Total number of attorneys admonished .....4

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 abide by client’s decisions concerning the objectives of representation; and failing to consult with the client about the means by which they are to be pursued in violation of Rules 16-101, 16-102, and 16-104 of the Rules of Professional Conduct.

An attorney was informally admonished for providing financial assistance to a client in connection with pending or contemplated litigation; for knowingly representing a client when the representation of that client may be materially limited by the lawyer’s own interests (violation occurred prior to Rule changes made in 2009) in violation of Rule 16-108(E) and 16-107(B) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to abide by the client’s decision concerning the objective of the representation; by charging an unreasonable fee and by engaging in conduct prejudicial to the administration of justice in violation of Rules 16-102(A), 16-105 and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to competently represent a client, for failing to abide by a client’s objectives in filing I-130 form in a timely manner; by failing to act with reasonable diligence and promptness in representing a client; by failing to keep a client reasonably informed as to the status of a matter; by charging an unreasonable fee; by failing to deposit legal fees paid in advance into the trust account and by engaging in conduct prejudicial to

the administration of justice in violation of Rules 16-101, 16-102(A), 16-103, 16-104(A), 16-105, 16-115(C), and 16-804(D) of the Rules of Professional Conduct.

**Letters of Caution**

Total number of attorneys cautioned .....16

Attorneys were cautioned for the following conduct: (1) failure to act with reasonable diligence and promptness in representing a client (5 letters of caution issued); (2) unreasonable efforts to expedite litigation (2 letters of caution issued); (3) false statements (2 letters of caution issued); (4) using means that have no substantial purpose other than to embarrass, delay or burden a third person; (5) conduct prejudicial to the administration of justice (2 letters of caution issued); (6) representing a client when there is a significant risk that the representation of the client will be materially limited by the lawyer’s own interest (2 letters of caution issued); (7) ineffective assistance of counsel (2 letters of caution issued); (8) excessive fees; and (9) failure to communicate.

**Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations .....	18
Conflict of Interest .....	2
Neglect and/or Incompetence .....	65
Misrepresentation or Fraud .....	10
Relationship with Client or Court .....	20
Fees .....	11
Improper Communications .....	2
Criminal Activity .....	1
Personal Behavior .....	5
Other .....	19
Total number of complaints received .....	153