

DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2010 – December 31, 2010

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court1

Matter of Ronald R. Adamson, Esq. (Disciplinary No. 04-2010-593) New Mexico Supreme Court entered an order approving conditional agreement not to contest and consent to discipline. Respondent shall receive an Informal Admonition and costs are taken under advisement.

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 and act with reasonable diligence and promptness in representing a client; failure to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation; failure to make reasonable efforts to expedite litigation consistent with the interest of the client; knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; engaging in conduct intended to disrupt the tribunal; violating or attempting to violate the Rules of Professional Conduct; and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of counseling a client to engage in conduct that is criminal, fraudulent or misleads the tribunal; knowingly disobeying an obligation under the rules of a tribunal; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice.

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed1

Matter of David Chipman Venie, Esq. (Disciplinary No. 11-2010-606) New Mexico Supreme Court entered an order granting Petition and Suspending Respondent for one (1) year, a stay pending completion of a two-year period of probation in California; supervision during probation in New Mexico; and costs assessed.

Petitions for Reinstatement Filed

Petitions for reinstatement filed2

Matter of Lana Marcussen, Esq. (Disciplinary No. 02-2000-391) New Mexico Supreme Court issued an order denying reinstatement of Respondent.

Formal Reprimands

Total number of attorneys formally reprimanded0

Informal Admonitions

Total number of attorneys admonished4

An attorney was informally admonished by engaging in conduct that is intended to disrupt a tribunal and by engaging in conduct prejudicial to the administration of justice in violation of Rules 16-305 (D), and 16-804 (D) of the Rules of Professional Conduct.

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An attorney was informally admonished for failing to hold client funds separate from the attorney's funds and 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, and for failing to properly reconcile the trust account balance, bank statement and individual client ledgers in violation of Rule 16-115 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation; failing to ensure the proper distribution of settlement proceeds; failing to seek court approval of settlements which should have benefited a minor client; failing to explain the fee agreement to the extent necessary to permit the client to make informed decisions about the representation; failing to explain the matter to the extent necessary to permit the client to make informed decisions about the representation; failing to communicate the basis or rate of the fee to the client; and by engaging in conduct prejudicial to the administration of justice in violation of Rules 16-101, 16-104(B), 16-105(B), and 16-804(D) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned13

Attorneys were cautioned for the following conduct: (1) failure to appear; (2) ineffective assistance of counsel; (3) failure to obey an obligation under the rules of a tribunal; (4) unauthorized practice of law; (5) general incompetence (2 letters of caution issued); (6) general neglect; (7) inappropriate contact with officials; (8) inappropriate contact or threats to opposing party; (9) accounting for funds; (10) failure to cooperate with disciplinary board; (11) conduct prejudicial to the administration of justice; and (12) trust account overdraft notification (2 letters of caution issued).

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	12
Conflict of Interest.....	2
Neglect and/or Incompetence.....	56
Misrepresentation or Fraud.....	12
Relationship with Client or Court.....	18
Fees.....	10
Improper Communications.....	7
Criminal Activity.....	1
Personal Behavior.....	2
Other.....	24
Total number of complaints received.....	144