

DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2011 – March 31, 2011

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court4

Matter of James W. Klipstine, Esq. (Disciplinary No. 11-2009-583) New Mexico Supreme Court entered an order approving a conditional agreement not to contest and consent to discipline. Respondent was Indefinitely Suspended for a minimum of six (6) months and before Respondent can apply for reinstatement, conditions in the order are to be met. Respondent was 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, while on probation for two (2) years. Respondent was further ordered to pay costs to the Disciplinary Board.

Matter of Michael L. Runnels, Esq. (Disciplinary No. 11-2009-581) New Mexico Supreme Court entered an order of Disbarment.

Matter of..... Matter was sealed by the New Mexico Supreme Court following an order that was entered approving a conditional agreement not to contest and consent to discipline.

Matter of Jane Rocha de Gandara, Esq. (Disciplinary No. 07-2010-597) New Mexico Supreme Court entered an order of Suspension. Suspension was deferred and Respondent was placed on supervised probation for a period of one (1) year. Respondent was ordered to take and pass the Multi-State Professional Responsibility Examination and a law office management course during probation. A formal reprimand will be deferred pending successful completion of a deferred suspension. Respondent was further ordered to pay costs to the Disciplinary Board.

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 knowingly making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal; knowingly disobeying an obligation under the rules of a tribunal; knowingly making a false statement of material fact in the course of representing a client; 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 failure to keep a client reasonably informed about the status of a matter; failure to promptly render an accounting upon request by the client or third person; failure to give full cooperation and assistance to the disciplinary board and disciplinary counsel in discharging the lawyer's respective functions and duties with respect to discipline and disciplinary procedures; and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to competently represent a client; failure to act with reasonable diligence in representing a client; failure to keep a client reasonably informed about the status of a matter; failure to maintain trust account records for a client's account; failure to deposit client's funds into a trust account prior to earning the fees; knowingly making claims or contentions without basis in fact; failure to give full cooperation and assistance to the disciplinary board and disciplinary counsel in discharging the lawyer's respective functions and duties with respect to discipline and disciplinary procedures; and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to competently represent a client; failure to act with reasonable diligence in representing a client; knowingly making claims or contentions without basis in fact; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of knowingly making a false statement of fact or law to a tribunal; knowingly making a statement that the lawyer knew to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge; failure to give full cooperation and assistance to the disciplinary board and disciplinary counsel in discharging the lawyer's respective functions and duties with respect to discipline and disciplinary procedures; engaging in conduct involving dishonesty, fraud, deceit and/or misrepresentation; 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 abide by a client's decision concerning the objectives of representation; failure to act with reasonable diligence and promptness in representing a client; failure to consult with a client about the means by which the client's objectives are to be accomplished; failure to keep clients reasonably informed; failure to comply with requests for information; failure to charge a reasonable fee; failure to put the interest of his client before his

personal interest; failure to hold clients property separate from his personal property; failure to notify third party of the receipt of funds; knowingly withdrawing inappropriately from representation of a client; failure to reasonably protect the interest of the client after withdrawing; knowingly making discriminatory statements about a client in a quasi-judicial proceeding; failure to expedite litigation; knowingly making false statements of fact or law to a tribunal; knowingly disobeying an order of a tribunal; knowingly using methods to delay or burden a third party; failure to make reasonable efforts to ensure that a non-lawyer's conduct was compatible with the Rules of Professional Conduct; ordering, or with knowledge of the specific conduct, ratifying the conduct of his non-lawyer; and engaging in conduct prejudicial to the administration of justice.

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 admonished5

An attorney was informally admonished by dividing fees with another lawyer where the division of fees was not in proportion to the services rendered by each lawyer and each lawyer did not assume joint responsibility for the representation; failing to hold client funds separate from attorney's funds; and for failure to deposit legal fees paid in advance into a trust account in violation of Rules 16-105 (E), 16-115(A), and 16-115(C) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to hold client funds separate from attorney's funds in violation of Rules 16-115(A) of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for failure to timely perfect an appeal before the Supreme Court in violation of Rules 16-101, 16-103, 16-107(B), and 16-116(A) of the Rules of Professional Conduct.

An attorney was informally admonished for entering into a sexual relationship with a client and failing to advise of the potential for a conflict of interest; excessive fees in violation of Rule 16-105(A), 16-105(C), and 16-107, of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for making threatening and disruptive remarks in a courtroom in violation of Rules 16-305 and 16-804 of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned23

Attorneys were cautioned for the following conduct: (1) failure to provide competent representation; (2) failure to act with reasonable diligence and promptness; (3) conduct prejudicial to the administration of justice (4 letters of caution issued); (4) tax questions; (5) general neglect; (6) failure to file (2 letters of caution issued); (7) ineffective assistance of counsel (2 letters of caution issued); (8) failure to put the interest of his client before his personal interest; (9) failure to communicate (3 letters of caution issued); (10) general neglect (2 letters of caution issued); (11) general incompetence; (12) alcohol/drugs; (13) extortion harassment; (14) conduct adverse to clients interest; (15) overreaching excessive fees; (16) conflict of interest; (17) conversion; and (18) failure to protect interest of client.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	16
Conflict of Interest.....	5
Neglect and/or Incompetence.....	62
Misrepresentation or Fraud.....	25
Relationship with Client or Court.....	15
Fees.....	11
Improper Communications.....	4
Criminal Activity.....	2
Personal Behavior.....	7
Other.....	33
Total number of complaints received.....	180