

DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2011 – September 30, 2011

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court3

Matter of Henry J. Baca, Esq. (Disciplinary No. 09-2010-602) New Mexico Supreme Court entered an order of Suspension for a period of six months. Respondent must apply for reinstatement and upon reinstatement will be placed on supervised probation. Respondent shall complete counseling within the first 30 days of the period of suspension, obtain a minimum of 10 continuing education hours, and pay costs to the Disciplinary Board.

Matter ofMatter 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 Jay Lynn Francis, Esq. (Disciplinary No. 06-2011-620) New Mexico Supreme Court entered an order of Indefinite Suspension. Suspension was deferred and Respondent was placed on supervised probation for a period of one (1) year. An informal admonition will be issued pending successful completion of a deferred suspension.

Resignations in Lieu of Discipline1

Matter of George Foster Hannett, Esq. (Disciplinary No. 08-2011-630) New Mexico Supreme Court entered an order approving the petition for resignation in lieu of discipline.

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 be adequately prepared for client's hearing; failure to act with reasonable diligence in representing a client; failure to make reasonable efforts to expedite litigation consistent with the interests of the client; promptly inform the client of any decisions made with respect to the client's informed consent; engaging in conduct intended to disrupt a tribunal; 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; failure to place a reasonable limitation on the scope of representation; failure to act with reasonable diligence in representation of a client; placing own interests in conflict with and above the client's interest; asserting an issue with no basis in fact; failure to expedite litigation; knowingly making a false statement of fact to a tribunal; knowingly offering evidence that is false; engaging in behavior intended to disrupt a tribunal; using means that have no substantial purpose other than to embarrass, delay or burden a third party; engaging in conduct involving misrepresentations; and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to charge a reasonable fee; failure to promptly deliver trust funds; failure to respond to a lawful demand for information from the disciplinary counsel; failure to give full cooperation and assistance to disciplinary counsel; and engaging in conduct which is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of knowingly engaging in conduct that is criminal or fraudulent; knowingly entering into a business transaction adverse to a client where the attorney benefitted; knowingly converting or causing the conversion of a third persons' property for use by the attorney or by another client; knowingly making false statements of material fact; knowingly attempting to induce others to not report the violations of the rules to the disciplinary board; 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 with reasonable diligence and promptness in representing a client; failure to reasonably consult with the client about the means by which the client's objective are to be accomplished; failure to keep the client reasonably informed about the status of the matter; failure to promptly comply with reasonable requests for information; failure to surrender papers and property to which the client is entitled; 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; and engaging in conduct which is 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; engaging in conduct intended to disrupt a tribunal; failure to disclose a fact necessary to correct a misapprehension known by the person to have arisen in

the matter; and engaging in conduct 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 with reasonable diligence and promptness in representing a client; failure to keep the client reasonably informed about the status of the matter; failure to make reasonable efforts to expedite litigation consistent with the interest of the client; 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 keep the client reasonably informed about the status of the matter; failure to charge or collect a reasonable fee; failure to keep records of a client's account funds; failure to provide client with an accounting of fees upon request; 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 filed1

James L. Klipstine, Esq. (Disciplinary No. 11-2009-583) applied for reinstatement and that matter was remanded to the board for hearing.

Formal Reprimands

Total number of attorneys formally reprimanded0

Informal Admonitions

Total number of attorneys admonished2

An attorney was informally admonished for failing to provide competent representation to a client and engaging in conduct involving dishonesty in violation of Rule 16-101 and 16-804(C) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to act with reasonable diligence and promptness in representing a client; failing to keep the client reasonably informed about the status of the matter; and failing to promptly comply with reasonable requests for information in violation of Rules 16-103, 16-104(A)(3) and 16-104(A)(4) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned14

Attorneys were cautioned for the following conduct: (1) failure to give full cooperation and assistance to the disciplinary board (2) general incompetence (2 letters of caution issued); (3) general neglect (2 letters of caution issued); (4) harassment; (5) conflict of interest; (6) overreaching excessive fees (5 letters of caution issued); and (7) false statements (2 letters of caution issued).

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	6
Conflict of Interest.....	3
Neglect and/or Incompetence.....	50
Misrepresentation or Fraud.....	15
Relationship with Client or Court.....	14
Fees.....	11
Improper Communications.....	2
Criminal Activity.....	0
Personal Behavior.....	2
Other.....	22
Total number of complaints received.....	125