

DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2011 – December 31, 2011

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court3

Matter of Katherine E. Allen, Esq. (Disciplinary No. 03-2011-613) New Mexico Supreme Court entered an order of Disbarment. Respondent must notify all of her clients of the fact of the disbarment and pay costs to the Disciplinary Board.

Matter of Cindy L. Turcotte, Esq. (Disciplinary No. 06-2011-622) New Mexico Supreme Court entered an order of Suspension for a period of six (6) months. Suspension was deferred for one (1) year with additional conditions imposed. Upon successful completion Respondent will be fully reinstated.

Matter of Gene N. Chavez, Esq. (Disciplinary No. 03-2011-605) New Mexico Supreme Court entered an order of Indefinite Suspension for a period of six (6) months. Suspension was deferred and Respondent was placed on supervised probation for a period of one (1) year. Respondent was further ordered to complete continuing legal education courses, comply with any of the terms and conditions of the agreement, pay the costs of the proceeding, and upon completion of probation may see reinstatement to non-probationary status.

Resignations in Lieu of Discipline0

Summary Suspensions

Total number of attorneys summarily suspended1

Matter of Shawn J. Lunsford, Esq. (Disciplinary No. 10-2009-579) New Mexico Supreme Court entered an order of Summary Suspension. Respondent was ordered to contact inventorying attorney and Disciplinary Counsel.

Disability Suspensions

Total number of attorneys placed on disability suspension0

Charges Filed

Charges were filed against an attorney for allegations for counseling a client to engage in conduct that the lawyer knows to be criminal or fraudulent; making false statements of material fact to a third person in the course of representing a client; and engaging in conduct which is dishonest, fraudulent, deceptive or constitutes a misrepresentation.

Charges were filed against an attorney for allegations of failure to withdraw without material adverse effect on the interests of the client; failure to comply with the applicable law requiring notice or permission of a tribunal when terminating representation; 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 and promptness in representing a client; failure to consult with the client or keep the client informed of the status of the case; failure to expedite litigation consistent with the interests 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 act with reasonable diligence and promptness in representing a client; failure to expedite litigation consistent with the interests of the client; failure to make reasonable efforts to ensure a non-lawyer's conduct is compatible with the lawyer's professional obligations of the lawyer; and engaging in conduct which is 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 admonished6

An attorney was informally admonished for failing to act with reasonable diligence and promptness; failing to make reasonable efforts to expedite litigation in the client's case; and

engaging in conduct prejudicial to the administration of justice in violation of Rule 16-103, 16-302, and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for engaging in *ex parte* communication with a judge in violation of Rule 16-305 (B) of the Rules of Professional Conduct.

An attorney was informally admonished pursuant to a Conditional Agreement Not to Contest and to Consent to Discipline for failure to completely represent a client; failure to act in a diligent and prompt manner while representing a client; failure to make reasonable efforts to expedite litigation consistent with the interests of a client; knowingly disobeying an obligation under the rules of a tribunal; failure to make a reasonably diligent effort to comply with proper discovery requests by opposing party and by engaging in conduct prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-302, 16-304(C), 16-304(D), and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for communicating with a person the lawyer knew to be represented by another lawyer in violation of Rule 16-402 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation to a client; failing to act with reasonable diligence and promptness in representing a client; and by engaging in conduct prejudicial to the administration of justice in violation of Rules 16-101, 16-103, and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to reasonably consult with a client about the means by which the client's objectives are to be accomplished; failing to keep a client reasonably informed about the status of the matter; and failing to promptly comply with reasonable requests for information in violation of Rules 16-104(A)(2), 16-104(A)(3), and 16-104(A)(4) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned15

Attorneys were cautioned for the following conduct: (1) harassment; (2) ineffective assistance of counsel (2 letters of caution issued); (3) false statements (2 letters of caution issued); (4) failure to pay hospital lien on personal injury matter; (5) overreaching excessive fees (2 letters of caution issued); (6) failure to communicate (2 letters of caution issued); (7) tax questions; (8) improper withdrawal; (9) unauthorized practice of law (2 letters of caution issued) and (10) conflict of interest.

Complaints Received

| <i>Allegations</i> | <i>No. of Complaints</i> |
|--|--------------------------|
| Trust Account Violations..... | 7 |
| Conflict of Interest..... | 2 |
| Neglect and/or Incompetence..... | 63 |
| Misrepresentation or Fraud..... | 17 |
| Relationship with Client or Court..... | 13 |
| Fees..... | 17 |
| Improper Communications..... | 7 |
| Criminal Activity..... | 0 |
| Personal Behavior..... | 5 |
| Other..... | 20 |
| Total number of complaints received..... | 151 |