

DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2012 – December 31, 2012

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court6

Matter of Henry J. Baca, Esq. (Disciplinary No. 12-2011-638) New Mexico Supreme Court entered an order indefinitely suspending Respondent from the practice of law for a period of no less than five (5) years. Respondent was further ordered to comply with the Rules of Professional Conduct and Rules Governing Discipline; complete MCLE; and pay costs to the disciplinary board.

Matter of Anthony James Ayala, Esq. (Disciplinary No. 04-2011-614) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for two (2) years, but deferred the suspension and placed Respondent on supervised probation for two (2) years. Respondent was ordered to pay costs associated with his supervised probation, complete an addition twenty (20) hours of MCLE, and pay costs to the disciplinary board.

Matter of Patricia S. Ortiz, Esq. (Disciplinary No. 06-2011-623) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for six (6) months, effective ninety (90) days from the date of the order. Respondent was allowed to apply to Court to rescind her suspension within ninety (90) days from the date of the order upon the completion of certain conditions. Respondent was further Ordered to serve a two (2) year period of supervised probation; complete six (6) additional hours of MCLE; and pay costs to the disciplinary board.

Matter of Maria E. Owen, Esq. (Disciplinary No. 11-2011-635) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for eighteen (18) months, which was deferred upon certain terms and conditions. Respondent was ordered to supervised probation; to pay all costs for the supervising attorney; to pay restitution to the complainants; and to pay all costs to the disciplinary board. Respondent was also ordered to take and pass the Multistate Professional Responsibility Exam (MPRE) with a minimum scaled score of eighty (80). Additionally, Respondent shall receive a public censure.

Matter of Alain Jackson, Esq. (Disciplinary No. 11-2011-436) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for eighteen (18) months, which was deferred upon certain terms and conditions. Respondent was ordered to supervised probation; to pay all costs for the supervising attorney; to pay restitution to the complainants; and to pay all costs to the disciplinary board. Respondent was also ordered to take and pass the Multistate Professional Responsibility Exam (MPRE) with a minimum scaled score of eighty (80). Additionally, Respondent shall receive a public censure.

Matter of Jay Lynn Francis, Esq. (Disciplinary No. 06-2011-620) New Mexico Supreme Court entered an Order Reinstating Respondent to non- probationary active status.

Matter of Dennis W. Montoya (Disciplinary No. 04-2012-650) New Mexico Supreme Court entered an Order denying Respondent's Petition for Reinstatement.

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; making allegations in a pleading that have no basis in fact; making false statement of fact to a tribunal; engaging in conduct involving misrepresentation; 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 abide by the client's decisions concerning the objectives of representation; failure to represent the client diligently; charging an unreasonable fees; failure to deposit his client's funds in a client trust account prior to earning fees; making a false statement of material fact to a tribunal; making false statements of material fact to a third person; failure to refund his client's advance payment of a fee that was not earned; failure to five 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 by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

Charges were filed against an attorney for allegations of failure to hold property of a client or third person separate from lawyer's own property; failure to hold in trust fees or expenses paid to the lawyer in advance; committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct that 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 admonished2

An attorney was informally admonished for the unauthorized practice of law in violation of Rule 16-505(D)(2) 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, failing to keep the client reasonably informed about the status of the matter, failing to return client’s funds properly, declining representation or the failure to terminate representation in violation of Rules 16-101, 16-103, 16-104, 16-115, and 16-116 of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned18

Attorneys were cautioned for the following conduct: (1) general neglect (5 letters of caution issued); (2) trust account issues (6 letters of caution issued); (3) general incompetence; (4) contempt of tribunal; (5) failing to supervise assistant; (6) unauthorized practice of law; (7) harassment; and (8) overreaching excessive fees (2 letters of caution issued).

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	11
Conflict of Interest.....	3
Neglect and/or Incompetence.....	75
Misrepresentation or Fraud.....	8
Relationship with Client or Court.....	14
Fees.....	14
Improper Communications.....	2
Criminal Activity.....	1
Personal Behavior.....	8
Other.....	26
Total number of complaints received.....	162