

DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2013 – March 31, 2013

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court10

Matter of Anna L. Juarez, Esq. (Disciplinary No. 01-2012-640) New Mexico Supreme Court entered an order indefinitely suspending Respondent from the practice of law for a period of no less than one (1) year. Respondent was further ordered to make restitution to her former client; to continue to comply with legal education requirements; cooperate with disciplinary counsel during the period of probation; 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 granting Respondent's application to rescind her suspension and all requirements regarding the supervised probation remain in effect.

Matter of Bradley R. Sims, Esq. (Disciplinary No. 08-2012-655) New Mexico Supreme Court entered an order permanently disbaring Respondent from the practice of law. Respondent was ordered to make full restitution to all clients, provide disciplinary counsel trust account information; comply with all obligations under Rule 17-212 NMRA; and pay costs to the disciplinary board.

Matter of Bradley R. Sims, Esq. (Disciplinary No. 08-2012-655) Subsequent to the disbarment Order, The New Mexico Supreme Court entered a contempt order finding Respondent guilty of lying to the Court. Respondent was ordered to hand-deliver all papers showing he has complied with the previous order and designate funds to the Disciplinary Board.

Matter of Raymond T. Van Arnem, Esq. (Disciplinary No. 02-2012-645) New Mexico Supreme Court entered an order indefinitely suspending Respondent from the practice of law for a period of time of no less than two (2) years. Respondent was further ordered to comply with the requirements of Rule 17-212 NMRA; comply with the Rules of Professional Conduct and Rules Governing Discipline; comply with the minimum continuing legal education requirements; and pay costs to the disciplinary board.

Matter of Phillip W. Cheves, Esq. (Disciplinary No. 07-2012-653) New Mexico Supreme Court entered an order suspending Respondent from the practice of law. The suspension was deferred and Respondent was placed on unsupervised probation for a period of two (2) years with specific conditions. Upon successful completion of the probation Respondent will be issued a Formal Reprimand.

Matter of Gene N. Chavez, Esq. (Disciplinary No. 06-2011-621) New Mexico Supreme Court entered an Order Reinstating Respondent to supervised probationary status.

Matter of Mario Alfaro, Esq. (Disciplinary No. 07-2012-652) New Mexico Supreme Court entered an order finding Respondent in Contempt and permanently disbaring Respondent from the practice of law.

Matter of Marc A. Gordon, Esq. (Disciplinary No. 08-2012-657) New Mexico Supreme Court entered an Order suspending Respondent from the practice of law for a period of one (1) year, but waived the suspension. Respondent's offer to resign in lieu of discipline was not accepted. Respondent was further ordered to pay costs to the disciplinary board.

Matter of Maria E. Owen, Esq. (Disciplinary No. 11-2011-635) New Mexico Supreme Court entered an Order Revoking Respondent's deferred suspension and Suspending Respondent from the practice of law. The Court issued a second order to show cause why Respondent should not be held in contempt of Court.

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 to a client a written contingency fee agreement; failure to provide an accounting for funds to the client; and 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.

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 a client; knowingly disobeying an obligation under the rules of a tribunal; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to give full cooperation and assistance to the disciplinary board and to disciplinary counsel and failure to file a supplemental statement with the State Bar updating the current address of record.

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 admonished3

An attorney was informally admonished following a period of probation for 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 a matter; failure to promptly comply with reasonable requests for information; knowingly disobeying an obligation under the rules of a tribunal; violating the Rules of Professional Conduct; and engaging in conduct that is prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-104(A)(3), 16-104(A)(4), 16-304(C), 16-804(A), and 16-804(D) 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, and failing to consult with the client about the means by which their objectives were to be accomplished in violation of Rules 16-101, 16-103, and 16-104 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 abide by a client’s decision concerning the objectives of representation, and failing to consult with the client about the means by which their objectives were to be accomplished in violation of Rules 16-101, 16-103, and 16-104 of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned14

Attorneys were cautioned for the following conduct: (1) overreaching excessive fees (3 letters of caution issued); (2) failure to file (2 letters of caution issued); (3) loans to or from a

client; (4) improper communications with witness (5) general neglect (2 letters of caution issued); (6) improper communications with official; (7) failure to communicate (3 letters of caution issued); and (8) accounting for funds.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	4
Conflict of Interest.....	2
Neglect and/or Incompetence.....	67
Misrepresentation or Fraud.....	11
Relationship with Client or Court.....	21
Fees.....	10
Improper Communications.....	5
Criminal Activity.....	0
Personal Behavior.....	8
Other.....	34
Total number of complaints received.....	162