

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2013 – December 31, 2013

REPORT BY DISCIPLINARY COUNSEL

## Final Decisions

Final Decisions of the NM Supreme Court .....2

*Matter of Jane E. Abrams, Esq.* (Disciplinary No. 02-2013-663) New Mexico Supreme Court entered an order suspending Respondent from the practice of law immediately and an Order to Show Cause was issued ordering Respondent to show cause why Respondent should not be held in Contempt of Court.

*Matter of Peter B. Rames, Esq.* (Disciplinary No. 02-2010-587) New Mexico Supreme Court entered an order finding Respondent in contempt and permanently disbaring Respondent from the practice of law for engaging in the unauthorized practice of law while on suspension.

## Summary Suspensions

Total number of attorneys summarily suspended .....0

## Disability Suspensions

Total number of attorneys placed on disability suspension ....0

## Charges Filed

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; assisting a client in conduct the lawyer knows is criminal or fraudulent; failure to reasonably consult with the client about the means by which the client's objectives are to be accomplished; failure to keep records of funds deposited in the lawyer's trust account; engaging in conduct involving dishonesty, fraud deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of entering into a business transaction with a client without satisfying the requirements set forth in the Rules of Professional Conduct; knowingly disobeying a Court Order regarding protection of assets and property; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to act with reasonable diligence and promptness in representing a client; failing to orderly withdraw from a matter; failing to make reasonable efforts to expedite litigation consistent with the interests of the client; knowingly making a false statement of material fact in connection with a disciplinary 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 explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; charging an unreasonable fee; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of charging an unreasonable fee; acquiring ownership of a client's real property without complying with any of the requirements of the rules; and failing to hold property of a client separate from the lawyer's own property.

Charges were filed against an attorney for allegations of failure to represent a client competently; revealing confidential information relating to the representation of a client without the client's informed consent or other authority; and failure to protect a client's interests upon withdrawal.

Charges were filed against an attorney for allegations of failure to act with reasonable diligence and promptness in representing a client; failure to explain the matter to the extent reasonably necessary to permit the client to make an informed decision regarding the representation; charging an unreasonable fee; failure to distribute undisputed fees to the client; failure to respond to a lawful demand for information from a disciplinary authority; failure to give full cooperation and assistance to disciplinary counsel; engaging in conduct that was prejudicial to the administration of justice.

### **Petitions for Reciprocal Discipline Filed**

Petitions for reciprocal discipline filed .....0

### **Petitions for Reinstatement Filed**

Petitions for reinstatement filed .....0

### **Formal Reprimands**

Total number of attorneys formally reprimanded .....1

*Matter of David R. Silva, Esq.* (Disciplinary No. 05-2013-666) a formal reprimand was

issued at the Disciplinary Board meeting of November 15, 2013 for the violation of Rule 16-101 failing to provide competent representation to a client; Rule 16-103 failing to act with reasonable diligence and promptness in representing a client; Rule 16-104(D) failing to communicate with the client; Rule 16-304(D) failing to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party; and Rule 16-804(D) engaging in conduct prejudicial to the administration of justice. The formal reprimand was published in the State Bar Bulletin issued January 15, 2014.

### **Informal Admonitions**

Total number of attorneys admonished .....3

An attorney was informally admonished for failing to act with reasonable diligence and promptness in representing a client and failing to keep the client reasonably informed about the status of the matter in violation of Rules 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 keep the client reasonably informed about the status of the matter, and failing to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of Rules 16-101, 16-103, 16-104, and 16-302 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 properly communicate with the client, and by engaging in conduct which is prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-104(A)(2)(3) and 16-804(D) of the Rules of Professional Conduct.

### **Letters of Caution**

Total number of attorneys cautioned .....16

Attorneys were cautioned for the following conduct: (1) failing to comply with Court Order; (2) business dealing with client; (3) harassment (4 letters of caution issued); (4) failing to file; (5) potentially unlawful action; (6) potential ineffective assistance of counsel (2 letters of caution issued); (7) trust account issues; (8) disclosure of information; (9) accounting for funds (2 letters of caution issued); (10) failing to timely communicate; and (11) general neglect.

### **Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	14

Conflict of Interest.....	4
Neglect and/or Incompetence.....	67
Misrepresentation or Fraud.....	6
Relationship with Client or Court.....	17
Fees.....	14
Improper Communications.....	0
Criminal Activity.....	2
Personal Behavior.....	12
Other.....	26
Total number of complaints received.....	162