

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2014 – March 31, 2014

REPORT BY DISCIPLINARY COUNSEL

## Final Decisions

Final Decisions of the NM Supreme Court .....6

*Matter of Zbigniew Rozbicki, Esq.* (Disciplinary No. 09-2013-673) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for two (2) years effective March 8, 2014. The Supreme Court entered an order of reciprocal discipline following a suspension in Connecticut for a conflict of interest.

*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 for failing to cooperate with the Disciplinary Board, failing to communicate, and general neglect.

*Matter of Raymond Van Arnam, Esq.* (Disciplinary No. 07-2013-669) New Mexico Supreme Court entered an order Permanently Disbarring Respondent from the practice of law. Respondent was disbarred for accounting issues and failing to cooperate with the Disciplinary Board. Respondent was ordered to pay restitution; reimburse any funds paid by the Client Protection Fund Commission and cooperate with them, provide trust account records to the Disciplinary Board, and pay costs to the Disciplinary Board. A Bench Warrant was issued for failure to appear before the Supreme Court, which was later quashed.

*Matter of Juanita S. Roibal-Bradley, Esq.* (Disciplinary No. 09-2013-674) New Mexico Supreme Court entered an order Permanently Disbarring Respondent from the practice of law effective immediately. Respondent was disbarred for violating a court order dated February 8, 2011 and for conversion/safekeeping of client's or third person's property. Respondent was ordered to pay restitution within ninety (90) days from the date of the order, reimburse any funds paid by the Client Protection Fund Commission and cooperate with them, provide a full accounting to the Disciplinary Board, and pay costs to the Disciplinary Board.

*Matter John Wayne Higgins, Esq.* (Disciplinary No. 09-2013-676) New Mexico Supreme Court entered an order suspending Respondent from the practice of law for one (1) year and four (4) months, which was deferred upon certain terms and conditions. Respondent was disciplined for contemptuous conduct before a court; specifically appearing before the Court while apparently impaired by alcohol.

*Matter of Gene N. Chavez, Esq.* (Disciplinary No. 03-2011-605) New Mexico Supreme Court issued an order of Reinstatement to non-probationary active status effective immediately.

**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 act with reasonable diligence and promptness in representing a client; failure to keep the client reasonably informed about the status of a matter; by settling a claim with an unrepresented client or former client, without first advising that client in writing to seek the advice of independent counsel; failure to make reasonable efforts to expedite litigation consistent with the interests of a client; and engaging in conduct that 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 diligently represent a client; failure to consult with and keep a client informed about the status of the case; failure to withdraw from the representation of a client when a physical condition materially impaired the ability to represent a client; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failure to provide competent representation; failure to act with reasonable diligence and promptness in representing a client; engaging in conduct disruptive to 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 provide competent representation to a client; failure to inform the client that the client could be charged with illegal possession or transportation of firearms; and by revealing information relating to the representation of a client without the client getting informed consent.

**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 .....0

## **Informal Admonitions**

Total number of attorneys admonished .....5

An attorney was informally admonished for failing to abide by a client's decisions concerning the objective of representation; failure to promptly inform the client of any decision or circumstances to which the client's informed consent was required; failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; failing to have a contingent fee agreement in writing signed by the client and failing to provide written statement stating the outcome of the matter; and knowingly making a false statement of fact or law to a tribunal in violation of Rules 16-102(A), 16-104(A), 16-104(B), 16-105(C), and 16-303(A) of the Rules of Professional Conduct.

An attorney was informally admonished for using means that have no substantial purpose other than to embarrass, delay or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person in violation of Rule 16-404(A) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation to a client; revealing information relating to the representation of a client; and for failing to take steps to the extent reasonably practicable to protect a client's interests and surrendering papers and property to which the client is entitled in violation of Rules 16-101, 16-106 (A), and 16-116 (D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property and failing to keep required trust records in violation of Rules 16-115(A) and 17-204 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to act with reasonable competence; failing to act with reasonable diligence; and failing to take appropriate remedial measures offering false evidence to the court in violation of Rules 16-101, 16-103, and 16-303(A)(3) of the Rules of Professional Conduct.

## **Letters of Caution**

Total number of attorneys cautioned .....11

Attorneys were cautioned for the following conduct: (1) using means that have no substantial purpose other than to embarrass, delay or burden a third person; (2) failing to file (2 letters of caution issued); (3) failing to communicate (3 letters of caution issued); (4) ineffective

assistance of counsel (2 letters of caution issued); (5) failing to return fee; (6) harassment; (7) due diligence; and (8) bank overdraft.

### **Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	6
Conflict of Interest.....	0
Neglect and/or Incompetence.....	77
Misrepresentation or Fraud.....	14
Relationship with Client or Court.....	13
Fees.....	18
Improper Communications.....	2
Criminal Activity.....	0
Personal Behavior.....	10
Other.....	29
Total number of complaints received.....	169