

DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2014 – December 31, 2014

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court3

Matter of Marcos Gonzalez, Esq. (Disciplinary No. 05-2014-691) New Mexico Supreme Court entered an order indefinitely suspending Respondent from the practice of law for no less than six (6) months effective immediately for general neglect, failure to communicate, trust account violations, and general incompetence on matters. Respondent was ordered to make restitution to his client and any Client Protection Fund claims paid; pay costs to the Disciplinary Board; comply with requirements for minimum continuing legal education (MCLE); take and pass the Multistate Professional Responsibility Examination; have an audit performed and meet with a CPA regarding trust accounts; and retain a probation supervisor for at least three (3) years after the suspension is served.

Matter of Alain Jackson, Esq. (Disciplinary Nos. 11-2011-436 and 11-2013-681) New Mexico Supreme Court entered an order permanently disbaring Respondent from the practice of law for failing to comply with an Order of the Supreme Court. Respondent was ordered to turn all files over to the disciplinary counsel; provide a restitution payment schedule for his clients; and pay costs to the Disciplinary Board.

Matter of (Sealed matter) New Mexico Supreme Court entered an order placing Respondent on disability inactive status effective immediately and staying any disciplinary proceedings until Respondent is found eligible for reinstatement. Respondent was further ordered to turn all files over to disciplinary counsel and to give access to any IOLTA accounts.

Summary Suspensions

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

Administrative Suspensions

Total number of attorneys administratively suspended.....0

Disability Suspensions

Total number of attorneys placed on disability suspension0

Charges Filed

Charges were filed against an attorney for allegations of failing to provide competent representation; engaging in the representation involving concurrent conflict of interest; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of making false statement of material fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer; by offering evidence that the lawyer knows to be false; by 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 failing to provide competent representation to a client; failing to represent the client diligently; failing to expedite litigation; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to provide competent representation to a client; failing to represent the client diligently; failing to communicate with the client and making false statements to the client about the status of the case; failing to expedite litigation; by knowingly making a false statement of material fact in connection with a disciplinary matter; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to provide competent representation; engaging in the representation involving concurrent conflict of interest; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to provide competent representation to a client; failing to represent the client diligently; failing to expedite litigation; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to provide competent representation to a client; by unlawfully obstructing another party's access to evidence; by failing to obey the rules of a tribunal; by engaging in conduct disruptive to the tribunal; by using methods to obtain evidence that violates the legal rights of a third person; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to provide competent representation to a client; by unlawfully obstructing another party's access to evidence; failing to obey the rules of a tribunal; by engaging in conduct disruptive to the tribunal; by using methods to obtain evidence that violates the legal rights of a third person; by having managerial authority over a lawyer and failing to make reasonable efforts to insure that the subordinate lawyer conformed to the Rules of Professional Conduct; by having direct supervisory authority over another lawyer and failing to make reasonable efforts to ensure that the other lawyer conformed to the Rules of Professional Conduct; by having knowledge of specific misconduct and ratifying that conduct and having known of the conduct at a time when its consequences could have been avoided or mitigated but failed to take remedial action; and by engaging in conduct prejudicial to the administration of justice.

Petitions for Administrative Suspension Filed

Petitions for administrative suspension filed.....2

Matter Madeline E. Melka, Esq. (Disciplinary No. 11-2014-711) The office of Disciplinary Counsel filed a petition for administrative suspension against Respondent for failing to respond to repeated requests for information.

Matter of David Proper, Esq. (Disciplinary No. 12-2014-712) The office of Disciplinary Counsel filed a petition for administrative suspension against Respondent for failing to respond to repeated requests for information.

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed.....0

Petitions for Reinstatement Filed

Petitions for reinstatement filed0

Formal Reprimands

Total number of attorneys formally reprimanded0

Informal Admonitions

Total number of attorneys admonished4

An attorney was informally admonished for engaging in the representation involving concurrent conflict of interest and for representing a party against former clients in the same action without written informed consent in violation of Rules 16-107, and 16-109 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to obey the rules of a tribunal; seeking to influence a juror by means prohibited by law; violating the special responsibilities of a prosecutor; and engaging in conduct prejudicial to the administration of justice in violation of Rule 16-304, 16-350(A), 16-308, and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation; failing to obey the rules of a tribunal; seeking to influence a juror or other official by means prohibited by law; violating the special responsibilities of a prosecutor; and engaging in conduct

prejudicial to the administration of justice in violation of Rules 16-101, 16-304 (C), 16-305(A); 16-308; and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished following a period of probation for failing to keep the client reasonably informed about the status of a matter in violation of Rules 16-104(A)(3) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned11

Attorneys were cautioned for the following conduct: (1) general incompetence (4 letters of caution issued); (2) improper withdrawal; (3) general misrepresentation to a client (2 letters of caution issued); (4) harassment; (5) bank overdraft; (6) failure to communicate; and (7) conflict of interest.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	2
Conflict of Interest.....	0
Neglect and/or Incompetence.....	82
Misrepresentation or Fraud.....	19
Relationship with Client or Court.....	17
Fees.....	9
Improper Communications.....	2
Criminal Activity.....	0
Personal Behavior.....	18
Other.....	6
Total number of complaints received.....	155