

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2015 – June 30, 2015

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court4

Matter of Rudy Martin, Esq. (Disciplinary No. 10-2014-707) New Mexico Supreme Court entered an order indefinitely suspending Respondent from the practice of law for a period of time no less than one (1) year effective May 5, 2015, for lack of diligence in a client matter. Respondent was further ordered to remedy his administrative suspension for noncompliance with bar dues and ordered to pay costs to the disciplinary board.

Matter of Luis Quintana, Esq. (Disciplinary No. 08-2014-696) New Mexico Supreme Court entered an order permanently disbaring Respondent from the practice of law beginning July 1, 2015 for conversion of client funds. Respondent was ordered to immediately comply with all obligations and notify clients, courts and other third-parties; immediately provide disciplinary counsel with a list of cases and transfer files; make full restitution to a specific client; and pay costs to the disciplinary board.

Matter of Gany Mike Bello, Esq. (Disciplinary No. 05-2008-545) The Respondent was found in contempt of court by the New Mexico Supreme Court for violating the Court's order of April 20, 2011 by continuing to practice law while suspended. The Court entered an order permanently disbaring Respondent from the practice of law effective May 11, 2015. Respondent was also ordered not to hold himself out as a lawyer to the public.

Matter of Cody K. Kelley, Esq. (Disciplinary No. 09-2014-698) New Mexico Supreme Court entered an order permanently disbaring Respondent from the practice of law effective June 10, 2015 for, among other things, conversion of client funds. Respondent was ordered to pay restitution to clients; reimburse the Client Protection Fund any amounts paid on claims; and pay costs to the disciplinary board.

Summary Suspensions

Total number of attorneys summarily suspended0

Administrative Suspensions

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

Disability Suspensions

Total number of attorneys placed on disability suspension1

Matter of (Sealed matter) New Mexico Supreme Court entered an order placing Respondent on disability inactive status effective May 5, 2015. Respondent was further ordered to turn all files over to an inventory attorney and to give the inventory attorney access to any IOLTA accounts.

Charges Filed

Charges were filed against an attorney for allegations of failing to competently represent a client; failing to act with reasonable diligence and promptness in the representation of a client; failing to keep client reasonably informed of the status of the matter; failing to promptly comply with reasonable request for information; charging an unreasonable fee; failing to respond to a lawful demand for information for the disciplinary authority; failing to give full cooperation and assistance to disciplinary counsel; violating the Rules of Professional Conduct; engaging in conduct prejudicial to the administration of justice; and failing to maintain the required records for client's funds.

Charges were filed against an attorney for allegations of failing to act with reasonable diligence and promptness in representing a client; failing to promptly disburse funds that the client was entitled to receive; and failing to promptly render a full accounting of client funds.

Charges were filed against an attorney for allegations of revealing confidential information relating to the representation of a client without the client's informed consent, and without any justification; using and revealing information relating to the representation of a former client, to the disadvantage of the former client; bringing a frivolous defense and by asserting a frivolous issue in a case; making a false statement of fact to a tribunal; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to promptly inform the client of settlement negotiations, or of problems with the case, for the purposes of obtaining the client's informed consent as to a settlement demand; failing to keep the client reasonably informed about the status of the case; failing to explain issues pertinent to the case sufficiently to permit the client to make informed decisions regarding the representation; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to competently represent a client; failing to act with reasonable promptness and diligence in representing a client; failing to keep the client reasonably informed about the status of a matter and by failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; failing 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 failing to hold the property of another separately; failing to maintain complete records of all client funds; engaging in conduct intended to disrupt a tribunal; making a statement with reckless disregard to its truth or falsity concerning the qualifications of an adjudicatory official; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegations of failing to competently represent 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 a matter; failing to promptly render an accounting of a client’s property; failing to respond to a lawful demand for information from a disciplinary authority; failing to give full cooperation and assistance to disciplinary counsel; 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 filed1

Augustine M. Rodriguez, Esq. (Disciplinary No. 08-2012-658) Respondent petitioned for reinstatement from probationary status. The Supreme Court granted Respondent’s petition.

Formal Reprimands

Total number of attorneys formally reprimanded1

Matter of Phillip W. Cheves, Esq. (Disciplinary No. 07-2012-653) a Formal Reprimand was issued at the Disciplinary Board meeting of May 15, 2015, for the violation of Rule 16-101, failing to provide competent representation to a client; Rule 16-302, failing to make reasonable efforts to expedite litigation consistent with the interests of the client; Rule 16-303, knowingly making a false statement of fact to a tribunal and failing to correct a false statement of material fact to the tribunal by the lawyer; Rule 16-304 (D), failing in pretrial procedure to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party; Rule 16-804(A), violating the Rules of Professional Conduct; Rule 16-804(C), engaging in conduct involving dishonesty, deceit or misrepresentation; 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 June 10, 2015.

Informal Admonitions

Total number of attorneys admonished3

An attorney was informally admonished for failing to hold client funds separate from their own funds in violation of Rule 16-115(A) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation of a client; by not abiding by a client’s decision on whether to settle a matter; failing to act with reasonable diligence and promptness in representing a client; and engaging in conduct prejudicial to the administration of justice in violation of Rules 16-101, 16-102(A), 16-103 and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for disseminating confidential client information in violation of Rule 16-106 of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned7

Attorneys were cautioned for the following conduct: (1) failure to communicate (2 letters of caution issued); (2) harassment; (3) general misrepresentation to the Court (2 letters of caution issued); (4) lack of diligence; and (5) counseling fraudulent or illegal conduct.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	2
Conflict of Interest.....	0
Neglect and/or Incompetence.....	96
Misrepresentation or Fraud.....	22
Relationship with Client or Court.....	23
Fees.....	13
Improper Communications.....	0
Criminal Activity.....	0
Personal Behavior.....	12
Other.....	7
Total number of complaints received.....	175