

DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2015 – September 30, 2015

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court5

Matter of Michael M. Carrasco, a disbarred attorney (Disciplinary No. 07-2001-424) The New Mexico Supreme Court entered an order permanently disbarring Respondent from the practice of law. This matter was brought before the court on a motion for order to show cause and to be held in contempt of court for violating a previous order issued by the Court. Respondent shall not be permitted to meet with clients or collect money from clients even if employed by a lawyer. Respondent was further order to make restitution payments to former clients and provide all bank records to the disciplinary board.

Matter of John Michael Bowlin, Esq. (Disciplinary No. 01-2015-714) The New Mexico Supreme Court entered an order suspending Respondent from the practice of law for eighteen (18) months which was deferred upon certain terms and conditions contained in a conditional agreement. This matter was brought before the court on a trust account violation. Respondent was ordered to observe and comply with the Rules of Professional Conduct, have trust and operating accounts audited by an auditor approved by the Disciplinary Board, attend a CLE specifically on trust accounts, meet with a mentor selected by the Disciplinary Board to help maintain trust accounts, and was ordered to pay costs to the Disciplinary Board.

Matter of File placed under seal March 9, 2020 The New Mexico Supreme Court entered an order suspending Respondent from the practice of law for eighteen (18) months which was deferred upon certain terms and conditions contained in a conditional agreement. This matter was brought before the court on a trust account violation. Respondent was ordered to observe and comply with the Rules of Professional Conduct, have trust and operating accounts audited by an auditor approved by the Disciplinary Board, attend a CLE specifically on trust accounts, and pay costs to the disciplinary board.

Matter of Eric D. Dixon, Esq. (Disciplinary No. 10-2011-634) The New Mexico Supreme Court entered a public censure against Respondent which was published in the State Bar Bulletin, Volume 54 - Number 35, on September 2, 2015.

Matter of Troy W. Prichard (Disciplinary No. 07-2014-695) The New Mexico Supreme Court entered an order granting the petition to summarily suspend Respondent but suspended the order of suspension thereby allowing Respondent to practice under certain conditions which include requiring that Respondent practice only under the supervision of another attorney or within the Law Offices of the Public Defender, and prohibiting Respondent from having control over client trust funds.

Summary Suspensions

Total number of attorneys summarily suspended1

Administrative Suspensions

Total number of attorneys administratively suspended.....1

Matter of George P. Marquez, Esq. (Disciplinary No. 07-2014-694) New Mexico Supreme Court entered an order administratively suspending Respondent from the practice of law for the failure to cooperate with Disciplinary Counsel.

Disability Suspensions

Total number of attorneys placed on disability suspension0

Charges Filed

Charges were filed against an attorney, who is not licensed in New Mexico, for allegations of communicating *ex parte* with a Judge in a pending proceeding 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; representing one client who is directly adverse to another client; representing clients when the representation is materially limited by the lawyer’s responsibilities to the other client; using information relating to the representation of a client to the disadvantage of the client without informed consent; bringing a proceeding with no basis in law that is frivolous and has no good faith for extension, modification or reversal of existing law; and violating the Rules of Professional Conduct.

Charges were filed against an attorney for allegations of failing to promptly disburse funds that the client was entitled to receive; failing to maintain complete records of all client funds; making cash withdrawals from the IOLTA account; and failing to make reasonable efforts to ensure that the firm had in effect measures that gave reasonable assurance of compliance with Rule 17-204.

Charges were filed against an attorney for allegations of failing to promptly disburse funds that the client was entitled to receive; failing to maintain complete records of all client funds; making cash withdrawals from the IOLTA account; and failing to make reasonable efforts to ensure that the firm had in effect measures that gave reasonable assurance of compliance with Rule 17-204.

Charges were filed against an attorney for allegations of failing to hold property of clients or third persons separate from the lawyer’s own property and failing to keep complete records.

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed0

Petitions for Reinstatement Filed

Petitions for reinstatement filed1

Jane E. Abrams, Esq., n.k.a. Jane E. Granier, Esq. (Disciplinary No. 02-2013-663)
Respondent petitioned for reinstatement from a suspension order. This matter is currently before the Disciplinary Board.

Formal Reprimands

Total number of attorneys formally reprimanded2

Matter of Yvonne K. Quintana, Esq. (Disciplinary No. 11-2014-709) a Formal Reprimand was issued at the Disciplinary Board meeting of July 17, 2015, for the violation of Rule 16-101, failing to provide competent representation to a client; Rule 16-103, failing to represent your client diligently; Rule 16-302, failing to expedite litigation; and engaging in conduct that was prejudicial to the administration of justice. The Formal Reprimand was published in the State Bar Bulletin issued August 12, 2015.

Matter of Thomas A. Pfarr, Esq. (Disciplinary No. 12-2014-710) a Formal Reprimand was issued at the Disciplinary Board meeting of July 17, 2015, for the violation of Rule 16-101, failing to recognize and fulfill the duties to a statutory Beneficiary; and Rule 16-107(A), failing to resolve the conflict with respect to the duties to the statutory beneficiary, failing to determine whether the statutory beneficiary had a legal guardian, and failing to take action according to the mandates of *Leyba* and *Spencer*. The Formal Reprimand was published in the State Bar Bulletin issued August 12, 2015.

Informal Admonitions

Total number of attorneys admonished1

An attorney was informally admonished for failing to provide competent representation prematurely and arguably not in the client’s long term best interest although the client asked Respondent to act quickly but in doing so Respondent acted in violation of Rule 16-101 of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned10

Attorneys were cautioned for the following conduct: (1) general neglect (2 letters of caution issued); (2) IOLTA overdraft (4 letters of caution issued); (3) failure to communicate; (4) general misrepresentation to the Court; (5) failure to comply with Court order; and (6) general incompetence.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	7
Conflict of Interest.....	0
Neglect and/or Incompetence.....	80
Misrepresentation or Fraud.....	15
Relationship with Client or Court.....	19
Fees.....	5
Improper Communications.....	2
Criminal Activity.....	0
Personal Behavior.....	15
Other.....	3
Total number of complaints received.....	146