

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2016 – June 30, 2016

*REPORT BY DISCIPLINARY COUNSEL*

## Final Decisions

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

*Matter of Anthony Spratley, Esq.* (Disciplinary No. 11-2015-732). The New Mexico Supreme Court accepted a conditional agreement and entered an order suspending Respondent from the practice of law for one (1) year for trust account violations. The Court deferred the suspension and placed Respondent on probation with conditions.

*Matter of Anthony Ray Rascon, Esq.* (Disciplinary No. 08-2015-728). The New Mexico Supreme Court accepted a conditional agreement and entered an order suspending Respondent from the practice of law for eighteen (18) months for delaying a matter and trust account violations. The Court deferred the suspension and placed Respondent on probation with conditions.

*Matter of Michelle Renee Mladek, Esq.* (Disciplinary No. 11-2013-680). The New Mexico Supreme Court entered an order suspending Respondent from the practice of law for a period of twelve (12) months for violating the Supreme Court Orders of February 18, 2015 and November 12, 2015.

*Matter of Jason S. Montclare, Esq.* (Disciplinary No. 11-2013-682). The New Mexico Supreme Court issued a Public Censure in compliance with the Supreme Court Order dated February 2, 2016

## 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 suspension .....2

*Matter of* ..... (Sealed matter) New Mexico Supreme Court entered an order placing Respondent on disability inactive status effective June 13, 2015. Pending disciplinary matters, if any, were stayed until Respondent is eligible for reinstatement.

*Matter of* ..... (Sealed matter) New Mexico Supreme Court entered an order placing Respondent on disability inactive status effective June 13, 2015. Pending disciplinary matters, if any, were stayed until Respondent is eligible for reinstatement.

**Charges Filed**

Charges were filed against an attorney for allegedly failing to provide competent representation to a client; counseling and assisting a client in a course of conduct that the lawyer knows is fraudulent; failing to act with reasonable diligence and promptness in representing a client; failing to take steps to protect the client’s interests; bringing an action that has no basis in law or fact that is not frivolous; making a false statement to a tribunal; failing to make reasonable diligent efforts to comply with a legally proper discovery request by an opposing party; acting as an advocate at a trial in which the lawyer is likely to be a necessary witness; 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 allegedly knowingly disobeying an obligation under the rules of a tribunal; failing to give full cooperation to disciplinary counsel; engaging in conduct involving deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice.

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

**Petitions for Administrative Suspension Filed**

Petitions for administrative suspension filed.....0

**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 .....1

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 engaging in conduct that is prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-104, and 16-804(D) of the Rules of Professional Conduct.

**Letters of Caution**

Total number of attorneys cautioned .....9

Attorneys were cautioned for the following conduct: (1) overreaching/excessive fees; (2) harassment (2 letters of caution issued); (3) conflict of interest; (4) failure to communicate; (5) improper solicitation by employee; and (6) failure to protect interest of client (3 letters of caution issued).

**Complaints Received**

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	6
Conflict of Interest.....	1
Neglect and/or Incompetence.....	99
Misrepresentation or Fraud.....	7
Relationship with Client or Court.....	24
Fees.....	9
Improper Communications.....	0
Criminal Activity.....	1
Personal Behavior.....	15
Other.....	4
Total number of complaints received.....	166