

DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2016 – September 30, 2016

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court4

Matter of Arthur M. Kohler, an unauthorized person practicing law, (No. S-1-SC-35787). The New Mexico Supreme Court entered an order pursuant to a consent agreement enjoining Respondent, an attorney not licensed in New Mexico, from engaging in the unauthorized practice of law. Respondent was further ordered to pay costs to the Disciplinary Board.

Matter of Jane E. Granier, f/k/a/ Jane E. Abrams, Esq. (Disciplinary No. 02-2013-663). The New Mexico Supreme Court entered an order reinstating Respondent to the practice of law under probationary status.

Matter of Michelle Renee Mladek, Esq. (Disciplinary No. 11-2013-680). The New Mexico Supreme Court issued a Public Censure in compliance with the Supreme Court Order dated February 18, 2015.

Matter of Jacqueline Bennett, Esq. (Disciplinary No. 04-2016-741). The New Mexico Supreme Court accepted a conditional agreement and entered an order suspending Respondent from the practice of law for failing to communicate. The Court deferred the suspension and placed Respondent on probation with conditions.

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 allegedly 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 failing to comply with reasonable requests for information; failing to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the matter; failing to make reasonable efforts to expedite litigation; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly having a concurrent conflict of interest by virtue of the relationship with client and by virtue of attorney's own personal interests; failing to deposit into a client trust account legal fees and expenses paid in advance; failing to hold funds in which the client claimed an interest; sharing legal fees with a nonlawyer; forming a partnership with a nonlawyer where the activities of the partnership consist of the practice of law; permitting a person who recommends, employs, or pays to direct the creation of clients' trusts; and failing to deposit unearned client funds in an IOLTA.

Charges were filed against an attorney for allegedly failing to provide competent representation to a client; failing to keep her client reasonably informed about his matter; failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation; bringing a proceeding where there was no jurisdiction therefore there was no basis in law or fact for doing so that was not frivolous; and by engaging in conduct that is prejudicial to the administration of justice.

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

Petitions for Administrative Suspension Filed

Petitions for administrative suspension filed.....0

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed0

Petitions for Reinstatement Filed

Petitions for reinstatement filed1

Andrea Christman, Esq. (Disciplinary No. 04-2014-689) Respondent petitioned for reinstatement to the practice of law. The matter is before a Board Panel.

Formal Reprimands

Total number of attorneys formally reprimanded1

Matter of Peter A. Keys, Esq. (Disciplinary No. 01-2016-734) a Formal Reprimand was issued at the Disciplinary Board meeting of September 23, 2016, for violations of Rule 16-304(C), by knowingly disobeying a Court’s Order; Rule 13-305 (D), engaging in conduct intended to disrupt a tribunal; and 16-804(D), by engaging in conduct prejudicial to the administration of justice. The Formal Reprimand was published in the State Bar Bulletin issued October 19, 2016.

Informal Admonitions

Total number of attorneys admonished6

An attorney was informally admonished for failing to properly deposit funds in an IOLTA in violation of Rule 16-115 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation; failing to act with reasonable diligence and promptness in representing a client; and failing to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of Rules 16-101, 16-103, and 16-302 of the Rules of Professional Conduct.

An attorney was informally admonished for representing multiple parties in the same matter causing a conflict of interest with clients in violation of Rule 16-107 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to maintain a strictly professional relationship with a client in violation of Rule 16-107(A)(2) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation; 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 failing to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of Rules 16-101, 16-103, 16-104, and 16-302 of the Rules of Professional Conduct.

An attorney was informally admonished pursuant to a *Conditional Agreement Admitting the Allegations and Consent to Discipline* for failing to explain or inform the client on the case; failing to keep the client reasonably informed about the status of the matter; and engaging in conduct that interfered with the administration of justice in violation of Rules 16-102, 16-104, and 16-804(D) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned13

Attorneys were cautioned for the following conduct: (1) contempt of tribunal (2 letters of caution issued); (2) failure to protect interest of client; (3) failure to communicate (2 letters of caution issued); (4) bank overdraft; (5) general incompetence (2 letters of caution issued); (6) failure to comply with court order; (7) aiding the unauthorized practice of law; (8) harassment; (9) overreaching/excessive fees; and (10) improper withdrawal.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	3
Conflict of Interest.....	0
Neglect and/or Incompetence.....	87
Misrepresentation or Fraud.....	18
Relationship with Client or Court.....	33
Fees.....	11
Improper Communications.....	1
Criminal Activity.....	0
Personal Behavior.....	9
Other.....	6
Total number of complaints received.....	168