

DISCIPLINARY QUARTERLY REPORT

Reporting Period: July 1, 2017 – September 30, 2017

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court2

Matter of Thomas A. Pfarr, Esq., Disciplinary No. 07-2016-746. The New Mexico Supreme Court issued an Order on August 2, 2017 Indefinitely Suspending Respondent from the practice of law for a period of no less than eighteen (18) months for failing to deposit client retainers in trust account; failing to hold funds in which clients claimed an interest; sharing legal fees with a non-lawyer; and forming a practicing law partnership with a non-lawyer. Respondent was also ordered to pay costs to the Disciplinary Board.

Matter of Joshua R. Simms, Esq., Disciplinary No. 01-2016-735. The New Mexico Supreme court issued on Order on September 6, 2017 Indefinitely Suspending Respondent from the practice of law for a period of no less than eighteen (18) months for knowingly failing to provide competent representation to clients; knowingly failing to ascertain and abide by clients’ decisions concerning the objectives of representation; failing to represent clients diligently; knowingly failing to communicate with clients; knowingly representing numerous clients without obtaining their informed consent to do so in the face of one or more concurrent conflict(s) of interest between the clients and the interests of a third party; knowingly accepting compensation for representing numerous clients from one other than the clients without obtaining informed consent from the clients, and where there was actual rather than merely potential interference with Respondent’s independence of professional judgment and with the client-lawyer relationships; failing to deposit into a client trust account legal fees and expenses paid in advance; knowingly undertaking representation of clients when such representation, under the circumstances, resulted in violations of the Rules of Professional Conduct; filing a lawsuit with no non-frivolous basis in law or fact; sharing legal fees with a non-lawyer; knowingly permitting persons affiliated with a third party to direct or regulate Respondent’s professional judgment in rendering legal services; and knowingly engaging in conduct involving dishonesty and misrepresentation and that is prejudicial to the administration of justice. Respondent was also ordered to pay costs to the Disciplinary Board.

Summary Suspensions

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

Administrative Suspensions

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

Disability Inactive Status

Total number of attorneys placed on disability inactive status.....0

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 charge a reasonable fee; failing to promptly return client funds; failing to expedite litigation consistent with the interests of the client; failing to give full cooperation and assistance to disciplinary counsel; and 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 act with reasonable diligence and promptness in representing a client; failing to expedite litigation; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to act with reasonable diligence and promptness in representing a client; failing to reasonably communicate with a client; failing to promptly render a full accounting upon request to do so; failing to promptly deliver to the client funds and the balance of the retainer; 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 allegedly failing to provide competent representation to a client; failing to adequately counsel a client not to engage in, or assisting a client in conduct that the attorney knows is criminal or fraudulent or misleading to a tribunal; failing to provide independent professional judgment; knowingly filing a frivolous action by instituting litigation where there is no basis, either in law or fact; engaging in conduct intended to disrupt a tribunal; knowingly using means that have no substantial purpose other than to embarrass, delay or burden a third person; knowingly making statements that are false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer, or public legal officer; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to hold a client's property separate from the lawyer's own property and by failing to keep complete records of the account funds; knowingly making a false statement of material fact in a disciplinary matter; engaging in conduct involving fraud, deceit or misrepresentation; and 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 expedite litigation; knowingly failing to comply with a Court order; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to charge a reasonable fee; failing to hold a client's property separate from the lawyer's own property and by failing to keep complete records of the account funds; knowingly making a false statement of material fact in a disciplinary matter; engaging in conduct involving fraud, deceit or misrepresentation; and 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; knowingly filing a frivolous lawsuit; knowingly making false statements of fact to the Court; knowingly making a false statement of material fact in connection with a disciplinary matter; engaging in conduct involving dishonesty, fraud, deceit and misrepresentation; and engaging in conduct that is prejudicial to the administration of justice.

Petition for Injunctive Relief Filed

Petitions for injunctive relief filed.....0

Petitions for Reciprocal Discipline Filed

Petitions for reciprocal discipline filed1

Matter of Burt Lee Burnett, Esq. (Disciplinary No. 07-2017-764). The New Mexico Supreme Court entered an order granting the petition for reciprocal discipline and suspending Respondent from the practice of law for one (1) year effective August 24, 2017.

Reinstatement from Probation

Petitions for reinstatement filed1

John Michael Bowlin, Esq. (Disciplinary No. 01-2015-714) Respondent petitioned for reinstatement to the practice of law from probation. The Supreme Court granted the petition in an Order dated July 17, 2017.

Formal Reprimands

Total number of attorneys formally reprimanded0

Informal Admonitions

Total number of attorneys admonished0

Letters of Caution

Total number of attorneys cautioned11

Attorneys were cautioned for the following conduct: (1) general incompetence (4 letters of caution issued); (2) failure to file (2 letters of caution issued); (3) contact or threats to opposing party; (4) failure to protect interest of client; (5) unauthorized practice of law (2 letters of caution issued); and (6) harassment.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	2
Conflict of Interest.....	1
Neglect and/or Incompetence.....	125
Misrepresentation or Fraud.....	33
Relationship with Client or Court.....	36
Fees.....	13
Improper Communications.....	5
Criminal Activity.....	0
Personal Behavior.....	5
Other.....	1
Total number of complaints received.....	221