

# DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2018 – March 31, 2018

*REPORT BY DISCIPLINARY COUNSEL*

## Final Decisions

Final Decisions of the NM Supreme Court .....3

*Matter of Eric Morrow, Esq.*, Disciplinary No. 03-2017-755. The New Mexico Supreme Court issued an Order on January 2, 2018 suspending Respondent from the practice of law for one (1) year for failure to communicate, general incompetence, general neglect, and a conflict of interest resulting in actions adverse to the client’s interest. The Court deferred the suspension upon the following conditions: Respondent will be under supervision by a licensed New Mexico attorney throughout the probation period, must complete 3 hours of continuing legal education in estate planning matters and 3 hours in domestic relation matters, and pay costs to the Disciplinary Board.

*Matter of Yvonne K. Quintana, Esq.*, Disciplinary No. 07-2017-762. The New Mexico Supreme Court issued an Order on January 25, 2018 accepting a conditional agreement and suspending Respondent from the practice of law for one (1) year for failing to protect the interests of a client. The Court deferred the suspension upon the following conditions: Respondent must: (a) serve a two (2) year supervised probationary period; (b) take two (2) law management CLEs; and (c) pay costs to the Disciplinary Board.

*Matter of Bryan J. Hess*, Disciplinary No. 07-2017-765. The New Mexico Supreme Court issued an Order on February 16, 2018 indefinitely suspending Respondent from the practice of law for a period of no less than two (2) years for failure to communicate, due diligence, and failure to cooperate with the Disciplinary Board. Respondent was also ordered to reimburse client protection fund on any claims and 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**

Total number of attorneys that had charges filed against them .....6

Charges were filed against an attorney for allegedly failing to provide competent representation to a client; failing to represent a client diligently; failing to communicate with a client; making false statements of fact to a tribunal; knowingly offering false evidence; falsifying evidence; knowingly making false statements of material fact in a disciplinary proceeding; 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 failing to provide competent representation to a client; failing to represent a client diligently; charging an unreasonable fee; failing to communicate to the client in writing the basis or rate of the fee; failing to hold unearned client funds in a separate trust account; 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 provide competent representation to a client; failing to represent a client diligently; failing to communicate with a client; failing to expedite litigation; 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 provide competent representation to a client; failing to act with reasonableness and competence in representing a client; filing a claim the lawyer knew to be without merit; failing to make reasonable efforts to expedite litigation consistent with the interests of the client; knowingly disobeying an obligation under the rules of the tribunal; 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 ascertain and abide by the client's objective regarding representation; failing to act with reasonable diligence and promptness in representing a client; failing to reasonably communicate with a client; 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 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 making false statements of material facts in a disciplinary proceeding; committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer; engaging in conduct involving fraud in attempting to obtain a witness' false testimony; 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 filed .....0

**Reinstatement from Probation**

Petitions for reinstatement filed .....0

**Formal Reprimands**

Total number of attorneys formally reprimanded .....1

*Matter of Shannon G. Pettus, Esq.* (Disciplinary No. 07-2017-766) a Formal Reprimand was issued at the Disciplinary Board meeting of March 16, 2018, for the violation of Rule 16-101, failing to provide competent representation to a client; Rule 16-103, failing to represent a client diligently; Rule 16-302, failing to expedite litigation; 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 March 28, 2018.

**Informal Admonitions**

Total number of attorneys admonished .....3

An attorney was informally admonished for failing to ensure an orderly termination of representation and conduct prejudicial to the administration of justice in violation of Rules 16-116(D) and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to hold the clients’ property separate from their own property in violation of Rule 16-115 of the Rules of Professional Conduct.

An attorney was informally admonished for failing to provide competent representation to a client, failing to represent a client diligently, failing to keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, and knowingly fail to respond to a lawful demand for information from the disciplinary authority in violation of Rules 16-101, 16-103, 16-104(A)(3), 16-104(A)(4) and 16-801 (B) of the Rules of Professional Conduct.

## Letters of Caution

Total number of attorneys cautioned .....13

Attorneys were cautioned for the following conduct: (1) general misrepresentation to client; (2) contact with officials; (3) failure to communicate (2 letter of caution issued); (4) bank overdraft (2 letters of caution issued); (5) overreaching excessive fees; (6) comments regarding facts; (7) failure to protect interest of client; (8) general misrepresentation to court (2 letters of caution issued); (9) commercial transaction; and (10) harassment.

## Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	4
Conflict of Interest.....	6
Neglect and/or Incompetence.....	76
Misrepresentation or Fraud.....	25
Relationship with Client or Court.....	25
Fees.....	8
Improper Communications.....	8
Criminal Activity.....	0
Personal Behavior.....	6
Other.....	14
Total number of complaints received.....	172