

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2018 – June 30, 2018

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court4

Matter of Jane Rocha de Gandara, Esq., (No. S-1-SC-36983). The New Mexico Supreme Court issued an Order on May 21, 2018 suspending Respondent from the practice of law for one (1) year for violations of her duties of competence, diligence and her failure to comply with a Court order. The Court deferred the suspension upon the following conditions: Respondent must complete 6 hours of continuing legal education in law practice management and/or case management, receive a Formal Reprimand, and pay costs to the Disciplinary Board.

Matter of Louise A. Klaila, Esq. (No. S-1-SC-37049). The New Mexico Supreme Court entered an order on May 25, 2018 granting the petition for reciprocal discipline and suspending Respondent from the practice of law for one (1) year and one (1) day effective April 7, 2018.

Matter of Philip M. Kleinsmith, Esq. (No. S-1-SC-36776). The New Mexico Supreme Court entered an order on June 25, 2018 granting the petition for reciprocal discipline and disbaring Respondent from the practice of law effective October 30, 2017.

Summary Suspensions

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

Administrative and Other Suspensions

Total number of attorneys suspended for administrative or other reasons2

Matter of James T. Burns, Esq. (No. S-1-SC-36946). The New Mexico Supreme Court entered an order on May 21, 2018 administratively suspending Respondent from the practice of law for the failure to cooperate with Disciplinary Counsel.

Matter of Ron Sanchez, Esq. (No. S-1-SC-37044). The New Mexico Supreme Court entered an order on May 25, 2018 suspending Respondent from the practice of law, pursuant to Rule 17-203(C).

Disability Inactive Status

Total number of attorneys placed on disability inactive status0

Charges Filed

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 disobeying Orders by the Court of Appeals; and by engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly filing frivolous pleadings; making statements with reckless disregard as to the truth of the statements concerning the integrity of a judge; and by engaging in conduct 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 filed2 (See Final Decision)

Reinstatement from Probation

Petitions for reinstatement filed0

Formal Reprimands

Total number of attorneys formally reprimanded1

Matter of Jason S. Montclare, Esq. (Disciplinary No. 07-2017-761) a Formal Reprimand was issued at the Disciplinary Board meeting of May 18, 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 16-106(A), disclosing confidential client information; 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 May 30, 2018.

Informal Admonitions

Total number of attorneys admonished6

An attorney was informally admonished for failing to provide competent representation to a client; failing to abide by the client’s decisions concerning the objectives of representation; failing to keep the client reasonably informed about the status of the matter; failing to have a written fee agreement when charging fee/costs; and knowingly representing one or more clients creating a conflict of interest in violation of Rules 16-101, 16-102, 16-104, 16-105(B), and 16-107(A)(2) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to abide by the client’s decisions concerning the objectives of representation; failing to keep the client reasonably informed about the status of the matter; failing to have a written fee agreement when charging fee/costs; failing to deposit retainer fees into a trust account; and for failing to withdraw representation after the client had discharged the attorney in violation of Rules 16-102, 16-104, 16-105, 16-115, and 16-116 of the Rules of Professional Conduct.

An attorney was informally admonished for knowingly representing one or more clients creating a conflict of interest in violation of Rule 16-107(B)(2) of the Rules of Professional Conduct.

An attorney was informally admonished for knowingly representing one or more clients creating a conflict of interest in violation of Rule 16-107(B)(2) of the Rules of Professional Conduct.

An attorney was informally admonished for knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists in violation of Rule 16-304(C) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to act with reasonable diligence and promptness in representing a client; 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 prejudicial to the administration of justice in violation of Rules 16-103, 16-105(A) and (B), 16-115(A) and (C), 16-302 and 16-804(D) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned15

Attorneys were cautioned to avoid conduct that could lead to: (1) improper means (two letters of caution issued); (2) failure to communicate (four letters of caution issued); (3) excessive or improper fees; (4) lack of competence (two letters of caution issued); (5) improper solicitation of a client (two letters of caution issued); (6) failure to clarify misconception; (7)

trust account violations; (8) meritless claims or defenses; and (9) lack of diligence – failure to expedite.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	5
Conflict of Interest.....	7
Neglect and/or Incompetence.....	65
Misrepresentation or Fraud.....	11
Relationship with Client or Court.....	25
Fees.....	7
Improper Communications.....	1
Criminal Activity.....	1
Personal Behavior.....	1
Other.....	26
Total number of complaints received.....	149