

DISCIPLINARY QUARTERLY REPORT

Reporting Period: January 1, 2019 – March 31, 2019

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court3

Matter of Eric D. Dixon, Esq., (No. S-1-SC-37204). The New Mexico Supreme Court issued an Opinion on January 17, 2019 in connection with its November 9, 2018 Order.

Matter of Jennie Deden Behles, Esq., (No. S-1-SC-37393). The New Mexico Supreme Court issued an order on March 5, 2019 permanently disbarring Respondent from the practice of law effective March 31, 2019 for violations of Rules 16-105, 16-115, and 16-804(D). The Court issued an Order on March 29, 2019 extending the effective date of disbarment to April 30, 2019. The Court entered an Order on April 22, 2019 denying Respondent’s request for rehearing. The Court further ordered that Respondent pay restitution to Dubalouche LLC and pay costs to the Disciplinary Board.

Matter of J. Marcos Perales Pina, Esq. (No. S-1-SC-37402). The New Mexico Supreme Court issued an order on March 8, 2019 suspending Respondent from the practice of law effective March 15, 2019 for a period of one (1) year for violations of Rules 16-101, 16-801, 16-804(C), and 16-804(D). The Court issued other requirements that Respondent must meet before seeking reinstatement. The Court also required Respondent to pay costs to the Disciplinary Board.

Summary Suspensions

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

Administrative Suspensions

Total number of attorneys administratively suspended.....1

Matter of Keith G. Findlay, Esq. (No. S-1-SC-37400). The New Mexico Supreme Court entered an order on January 25, 2019 administratively suspending Respondent from the practice of law for the failure to cooperate with Disciplinary Counsel.

Disability Inactive Status

Total number of attorneys placed on disability inactive states0

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 expedite litigation; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to promptly notify a third party that funds were received; failing to hold the amount to which there was a dispute in the IOLTA until the dispute was resolved; and refusing to release funds or make payments to third party.

Charges were filed against an attorney for allegedly failing to provide competent representation; engaging in representation where there is a concurrent conflict of interest; 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 communicate with his client and failing to obtain the client's consent to settle; failing to promptly disburse the settlement funds; engaging in conduct involving misrepresentation; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly making a false statement in connection with a disciplinary proceeding; engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation; and engaging in conduct prejudicial to the administration of justice.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law0

Reciprocal Discipline

Total number of attorneys reciprocally disciplined1

Matter of Burt Lee Burnett, Esq., (No. S-1-SC-37318). The New Mexico Supreme Court issued an Order on January 7, 2019 disbaring Respondent from the practice of law following a petition for reciprocal discipline from Texas.

Reinstatement from Probation

Petitions for reinstatement filed0

Formal Reprimands

Total number of attorneys formally reprimanded1

Matter of Johanna Cox, Esq. (Disciplinary No. 2017-03-4336) a Formal Reprimand was issued at the Disciplinary Board meeting of January 18, 2019, for the violation of Rule 16-115, failing to safe keep and hold another’s property separately; and Rule 16-804, engaging in conduct prejudicial to the administration of justice. The Formal Reprimand was published in the State Bar Bulletin issued February 6, 2019.

Informal Admonitions

Total number of attorneys admonished2

An attorney was informally admonished for failing to provide full disclosure and obtain written consent of the client regarding representation on a loan and for providing financial assistance to a client in connection with pending or contemplated litigation in violation of Rule 16-108(A) and (E) of the Rules of Professional Conduct.

An attorney was informally admonished for using means that have no substantial purpose other than to embarrass, delay or burden a third person in violation of Rule 16-404(A) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned19

Attorneys were cautioned for the following conduct: (1) lack of competence; (2) disruption of a tribunal (3 letters of caution issued); (3) failure to communicate (3 letters of caution issued); (4) excessive or improper fees (2 letters of caution issued); (5) trust account violations (4 letters of caution issued); (6) lack of diligence (3 letters of caution issued); (7) ex parte contact with represented party; (8) improper means; and (9) meritless claims or defenses.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	7
Conflict of Interest.....	7
Neglect and/or Incompetence.....	63
Misrepresentation or Fraud.....	6
Relationship with Client or Court.....	31
Fees.....	3
Improper Communications.....	2
Criminal Activity.....	1
Personal Behavior.....	5
Other.....	26
Total number of complaints received.....	151