

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2021 – June 30, 2021

REPORT BY DISCIPLINARY COUNSEL

Final Decisions

Final Decisions of the NM Supreme Court2

Matter of Mary “Molly” Schmidt-Nowara, Esq. (S-1-SC-38595). The New Mexico Supreme Court issued an order on May 3, 2021, indefinitely suspending Respondent from the practice of law for no less than five (5) years, retroactively effective February 28, 2021.

Matter of William Ferguson, Esq., (No. S-1-SC-38741). The New Mexico Supreme Court issued an order on May 6, 2021, suspending Respondent from the practice of law for 90 days effective 5/6/2021, if Respondent successfully passes the MPRE. This matter was brought before the Court on the Disciplinary Board’s request to adopt its recommendation for discipline.

Summary Suspensions

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

Total number of attorneys summarily suspended (reciprocal).....0

Administrative Suspensions

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

Disability Inactive Status

Total number of attorneys removed from disability inactive states1

Charges Filed

Charges were filed against an attorney for allegedly revealing information relating to the representation of a client without the client’s informed consent.

Charges were filed against an attorney for allegedly failing to competently represent the client, failing to act with reasonable diligence and promptness, failing to communicate, failing to give reasonable notice and allowing time for employment of other counsel upon termination of representation, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent a

client, failing to diligently represent a client, failing to reasonably consult with his client about the means by which the client's objectives could be accomplished, failing to cooperate with disciplinary counsel, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to timely respond to a lawful demand for information from a disciplinary authority, failing to give full cooperation and assistance to disciplinary counsel, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent a client, by failing to properly limit the scope of representation by seeking informed consent, failing to keep a client reasonably informed about the status of a matter, failing to explain a matter to the extent reasonably necessary to permit the client to make an informed decision regarding representation, failing to communicate his/her fee agreement in writing, failing to effect an orderly termination, filing a proceeding which has no good faith basis, failing to make reasonable effort to ensure that another lawyer under his supervisory control conformed to the Rules of Professional Conduct, and engaging in conduct intended to disrupt a tribunal, and engaging in conduct prejudicial to the administration of justice.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law0

Reinstatement from Probation

Petitions for reinstatement filed2

Formal Reprimands

Total number of attorneys formally reprimanded1

Informal Admonitions

Total number of attorneys admonished2

Letters of Caution

Total number of attorneys cautioned8

Attorneys were cautioned for the following conduct: (1) meritless claims or defenses; (2) lack of fairness to opposing party /counsel; (3) lack of competence, (3) dishonesty, deceit, fraud , misrepresentation (4) lack of diligence, (5) excessive or improper fees.

Complaints Received

<i>Allegations</i>	<i>No. of Complaints</i>
Trust Account Violations.....	0
Conflict of Interest.....	1
Neglect and/or Incompetence.....	39
Misrepresentation or Fraud.....	16
Relationship with Client or Court.....	7
Fees.....	8
Improper Communications.....	0
Criminal Activity.....	1
Personal Behavior.....	0
Other.....	70
Total number of complaints received.....	142