

State Bar of New Mexico  
Client Protection Fund

2016 | ANNUAL  
REPORT

Submitted to the  
Supreme Court of New Mexico  
and the State Bar of New Mexico  
Board of Bar Commissioners



STATE BAR  
of NEW MEXICO  
CLIENT PROTECTION FUND



**STATE BAR**  
of **NEW MEXICO**  
CLIENT PROTECTION FUND

20 First Plaza NW, Suite 710  
Albuquerque, NM 87102  
(505) 842-5781 • Fax (505) 766-6833  
www.nmbar.org

**2016 COMMISSION**

Jason A. Marks  
Chair

Frank N. Chavez  
Treasurer

Travis R. Steele  
Secretary

December 31, 2016

Dear Colleagues:

The purpose of the New Mexico Client Protection Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers in an attorney-client or fiduciary relationship with a claimant. The Fund is administered by nine-member Commission, each of whom is an attorney. Each claim received by Commission is assigned to a Commissioner for investigation and evaluation, resulting a recommendation which is voted on by the full Commission.

In 2016, the Client Protection Fund Commission finished its eleventh full year of operation, paying \$157,917 on 22 claims against 15 lawyers. The previous highest single year of payments from the fund was 2013, with \$117,338 in payments. One claim paid in 2016 arose from a fiduciary relationship; in the other 21 instances, the client’s loss arose when the attorney accepted a retainer and then failed to perform services. Twelve claims were denied in 2016. In some instances, claims are denied when the facts do not substantiate the Claimant’s version of events, but the most common reason for a denial is that the dispute does not fall within the Commission’s jurisdiction, and instead is a fee dispute or simply a client’s dissatisfaction with the results of a case.

Since its inception, the rules for the Fund have included a cap on the maximum payment per claim in order to prevent a large loss from wiping out or impairing the Fund’s ability to recompense other victims of dishonest attorney conduct. For 2016, the per-claim cap was increased from \$20,000 to \$50,000, in recognition of the Fund’s health and our growing comfort that claims above \$20,000 are relatively rare in New Mexico. Only one claim in 2016 was affected by the increased cap, and this claim was actually a request for reconsideration of a claim previously approved, but capped at \$30,000. Be assured that even with the increased cap and high total payments in 2016 than prior years, the Fund remained strong, and even slightly increased its reserves.

I want to thank all my colleagues on the Commission for their service, and recognize Robert Valdez and Dustin Hunter who completed terms in 2016. Acknowledgment and appreciation is also due to the staff of the Disciplinary Board, William Slease, Anne Taylor, and Tamma Williams, who provide administrative support to the Commission; our ex-officio members from the State Bar, Richard Spinello and Joe Conte; and for the support of our Supreme Court liaison, Justice Edward L. Chavez.

Sincerely,  
  
Jason Marks, Esq.  
2015-2016 Chair

**COMMISSIONERS**

Leigh Anne Chavez  
Andrew J. Cloutier  
James T. Reist  
Matthew C. Sanchez  
Robert Valdez

**EX OFFICIO MEMBERS**

Joseph Conte  
Richard B. Spinello



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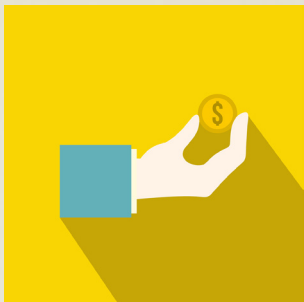
## History and Purpose

The purpose of the Client Protection Fund (CPF) is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of this jurisdiction. The Client Protection Fund Commission was established by order of the New Mexico Supreme Court effective Dec. 13, 2005, as a permanent commission of the State Bar of New Mexico Board of Bar Commissioners. The Supreme Court adopted a modified version of the American Bar Association's model rules for client protection funds and codified them at Rules 17A-001 *et seq.* of the New Mexico Rules Annotated. The Commission oversees the CPF and is charged with receiving, holding, managing, and disbursing money from the Fund according to the rules. The State Bar is responsible for administering the Commission, developing and approving the budget, and managing operations and staffing. Since January 1, 2014, the New Mexico Disciplinary Board has assisted in the technical administration of the Commission's tasks, including the processing of claims under the Commission's direction.



## Revenues

The initial resources for the Fund were provided in 2005 by a Supreme Court order transferring funds from accumulated fines against lawyers who failed to comply with the Court's Minimum Continuing Legal Education requirements. In 2008 the Supreme Court ordered an additional transfer of funds from MCLE to the Fund. In 2009 the Supreme Court ordered a \$15 annual assessment of every active New Mexico attorney pursuant to Rule 17A-003 (B) NMRA. In 2010, 2012 and 2016 additional monies were also transferred from MCLE to the Fund by Supreme Court Orders. The State Bar provides in-kind support to the Fund and the Commission through staff support, office and meeting space, and fiscal administration. (See 2016 Financial Information, page 12). From time to time, the Fund receives monies from court-ordered sanctions directed to the fund at the discretion of the judge.



## Eligible Claims

To qualify for a reimbursement from the Fund, a client must have incurred a financial loss caused by the dishonest conduct of a New Mexico-licensed lawyer who was counseling, advising, or representing the client or serving in another fiduciary capacity such as a trustee. The claim must be filed no later than five years after the client knew or should have known of the lawyer's dishonest conduct. Dishonest conduct is specifically defined under the CPF rules as wrongful acts such as theft or embezzlement of money or the wrongful taking or conversion of money, property, or other things of value; e.g., failing to refund unearned fees or borrowing money from a client without the intention to repay or disregarding the lawyer's inability or reasonably anticipated inability to repay. A typical CPF claim involves a lawyer who collected a retainer from a client, performed some legal work, and then became unable or unwilling to finish the work or refund the unearned amount.



The rules also include a hardship exception which allows the Commission, in cases of extreme hardship or special and unusual circumstances, to recognize a claim that was filed late or would not otherwise be reimbursable. This exception has only been used for one of the 229 claims approved in the Commission's eleven-year history. The maximum reimbursable amount was increased in 2012 from \$10,000 to \$20,000 per individual claim, and, effective January 1, 2016 from \$20,000 to \$50,000.



## Processing a Claim

The claimant must complete a prescribed claim form and have it notarized. The claimant must provide a copy of any written agreement pertaining to the claim and copies of any checks, money orders, receipts, or other proof of payment. The claimant is responsible for completing the form and providing evidence of a reimbursable loss up to the maximum amount payable per claim.

The CPF gives notice of a claim to the lawyer against whom it is filed (or the lawyer's representative) and allows 20 days for a response. The Disciplinary Board is also notified of the claim. After the lawyer's response and other initial facts and documents are gathered, the claim is assigned to one of the CPF commissioners for investigation. The commissioner investigates and presents a recommendation to the full Commission. If appropriate under the circumstances, the recommendation includes the investigating commissioner's estimate of any amount that should be allowed as a credit against the claim for the value of work the lawyer performed or costs the lawyer properly paid with client funds. The approval or denial of a claim requires the affirmative votes of at least five commissioners.

The claimant and the lawyer are notified of the Commission's decision. Either party may request reconsideration in writing within 30 days of the denial or determination of the amount of a claim. If no request for reconsideration is received, the check for any approved reimbursement is sent after the notice period expires. If a timely request is received, the check for any approved reimbursement is sent after the Commission has reconsidered its decision. Rule 17A-013 NMRA provides that in either case the Commission's decision is final and there is no further right of appeal. Reimbursement is discretionary and no person has a legal right to reimbursement from the Fund. As part of the claim form, the claimant agrees to assign his/her claims against the lawyer to the fund in the event that the CPF makes a payment, and the CPF may pursue reimbursement and recovery from the lawyer or the lawyer's successor (e.g., an estate).

# 2016 ANNUAL REPORT HIGHLIGHTS AND COMMISSION ACTIVITIES

The Client Protection Fund Commission finished its eleventh full year of operation in 2016 paying \$157,916.76 in 22 claims against 15 lawyers. To date, the Commission has paid almost \$850,000 in cumulative reimbursements for clients' financial losses involving 58 lawyers. Year-by-year and cumulative statistics appear later in this report.

The Commission met 5 times in 2016, including at the State Bar of New Mexico Annual Meeting. Commissioners Frank Chavez and James Reist attended the 32st ABA National Forum on Client Protection in early June, 2016 in Philadelphia, Pennsylvania.

The State Bar's former Vice President Dustin K. Hunter left the Commission in June, 2016 when he was appointed to serve as a District Court Judge in the Fifth Judicial District. The Commission congratulates Judge Hunter on his appointment to the bench. The Commission will welcome his replacement for 2017, Gerald G. Dixon, the State Bar's Secretary-Treasurer.

As reported in the Commission's 2015 Annual Report, effective January 1, 2016, the limit that the Commission can pay to a claimant was increased by the New Mexico Supreme Court to \$50,000 per claim. As the Commission expected, this increase did not result in an unmanageable risk for the Commission nor deplete the Commission's ability to pay future, meritorious claims.

The Commission reminds everyone that Rule 17A-018(A) protects the confidentiality of information on claims, claimants, and respondent lawyers with exceptions for approved claims and other limited purposes as set forth below:

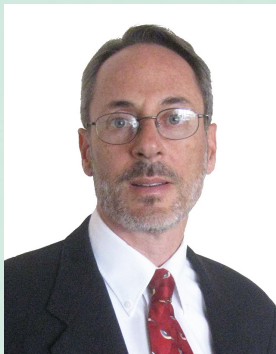
- A. Publicizing awarded claims. Claims, proceedings and reports involving claims for reimbursement are confidential until the commission authorizes reimbursement to the claimant, except as provided below, unless provided otherwise by law. After payment of the reimbursement, the commission shall publicize the nature of the claim, the amount of reimbursement, and the name of the lawyer. The name and the address of the claimant shall not be publicized by the commission unless specific permission has been granted by the claimant. The commission may provide a waiver to the claimant which authorizes disclosure.
- B. Exceptions. This rule shall not be construed to deny access to relevant information by the disciplinary board, other professional discipline agencies or other law enforcement authorities as the commission shall authorize, or the release of statistical information that does not disclose the identity of the lawyer or the parties, or the use of such information as is necessary to pursue the fund's subrogation rights under Rule 17A-015 NMRA.



Visit the State Bar website at  
[www.nmbar.org/cpf](http://www.nmbar.org/cpf)  
for further information on the Client Protection Fund.

# 2016 CLIENT PROTECTION FUND COMMISSION

From its inception in 2006 through 2012 the Commission consisted of seven lawyers—four appointed by the Supreme Court, two appointed by the Board of Bar Commissioners, and the vice president of the BBC. In 2013, the number of Commissioners was increased to nine. The 2016 commissioners and officers are listed here. All members except the BBC vice president serve staggered three-year terms. The BBC vice president serves for one year before advancing to become the State Bar president-elect and is succeeded on the Commission by the incoming vice-president. In 2016, the State Bar's then vice president was appointed to a judicial position and will be replaced on the Commission by the State Bar's secretary-treasurer. The six original commissioners were appointed for part of 2006 after the Commission was created and for staggered terms of one, two, and three years that began in 2007. Each of the six original commissioners has been appointed to two full three-year terms. The CPF officers, elected annually by the Commission, consist of a chair, vice-chair or treasurer, and secretary. Program assistance and administrative support is provided by the State Bar Office of General Counsel and the New Mexico Disciplinary Board.



Jason A. Marks, Chair  
*Supreme Court Appointee*

Jason Marks was appointed by the Supreme Court to a three-year term in one of the new positions approved effective for 2013, and was reappointed to the Commissioner for a term ending December 31, 2018. Marks is a sole practitioner in Albuquerque. His practice includes civil litigation, business advisory services, representation of public entities and utility law. Marks was elected and served two terms as a New Mexico Public Regulation Commissioner representing the Albuquerque area in 2005–2012. Prior to becoming an attorney, Marks led a national consulting practice in healthcare finance extending to 20 states and the federal government. Marks served as Commission Vice-Chair in 2014, and Chair for 2015 and 2016.



Frank N. Chavez, Treasurer  
*State Bar of New Mexico Appointee*

Frank attended New Mexico State University, University of Washington, and New Mexico Tech, obtaining degrees in Biology and Chemistry. Frank served in the US Army Reserve from 1964-1970. Before law school Frank worked for the New Mexico Dept. of Health as an environmentalist. Frank graduated from UNM School of law in 1969. After law school, Frank worked for the New Mexico Attorney General Office for 3 years, then became the City Attorney for Las Cruces for 9 years. Thereafter Frank became a Partner and the President of Reeves, Chavez, Albers and Walker, the largest law firm in Las Cruces from 1982 through 2004. Frank has been an AV rated attorney since 1995. Presently Frank conducts mediations, arbitrations, and serves on numerous boards. Frank's hobby is long distance bicycle riding.



Travis R. Steele, Secretary  
*State Bar of New Mexico Appointee*

Travis Steele was appointed by the BBC to one of the new positions approved by the Supreme Court effective Jan. 1, 2013. Steele practices primarily in the areas of commercial litigation, Indian gaming, oil and gas, and real estate litigation. He has conducted numerous hearings and trials in New Mexico state, federal and tribal courts. Steele regularly prosecutes and defends commercial lawsuits on behalf of his corporate clients, including contract disputes, lien issues, copyright claims, allegations of unfair business practices and any other issue that surfaces when business dealings fall apart. Steele regularly advises clients on licensure, regulatory and litigation matters related to Indian gaming and has substantial experience in sovereign immunity and tribal exhaustion cases. In addition, Steele has experience responding to federal investigations, including False Claims Act investigations by the Office of the Inspector General. Steele regularly represents construction and real estate clients in breach of contract matters, lien disputes and construction defect litigation. In his creditors' rights practice, Steele represents several financial institutions in the recovery of secured collateral, garnishments and loan default matters. In addition, he represents clients in commercial foreclosure cases and has represented landlords and tenants in commercial and residential lease disputes. Steele served as Commission treasurer in 2014. His current term ends Dec. 31, 2018.





## Leigh Anne Chavez

*Supreme Court Appointee*

Leigh Anne Chavez grew up in Las Vegas, Nevada, and received her B.A. in English from UNLV. She received her J.D. from UCLA, and taught paralegals at CNM for 24 years. She also has a A.A.S. in Accounting and is working on her Master's Degree in Accounting at Anderson School of Management at UNM. Leigh Anne is the Recycled Metals Prosecutor for the New Mexico Regulation and Licensing Department.



## Andrew J. (Drew) Cloutier

*Supreme Court Appointee*

Drew Cloutier was appointed to the Commission by the Supreme Court of New Mexico effective Jan. 1, 2015. Drew previously served in the Commission ex officio as an officer of the State Bar of New Mexico in 2010 and 2011. He is partner in the Roswell office of Hinkle Shanor LLP. He practices primarily in the areas of oil and gas law and commercial litigation. Cloutier has litigated and tried a number of oil and gas issues in state and federal courts. He also assists oil and gas clients with a wide variety of issues with state and federal agencies. Cloutier served on the Board of Bar Commissioners of the State Bar of New Mexico from 2006 through 2014 and as its President in 2013. He has volunteered for the Conquistador Council of the Boy Scouts of America for many years and is serving as President of the Council's Executive Board. Cloutier is a Trustee of the Rocky Mountain Mineral Law Foundation. He was named "Member of the Year" by the Independent Petroleum Association of New Mexico.



## Judge Dustin Hunter

*Supreme Court Appointee (Appointment ended June 30, 2016 upon appointment to judicial position)*

Hon. Dustin K. Hunter was appointed to the Fifth Judicial District Court in 2016. Before that, he was a partner in the Roswell law firm of Kraft & Hunter LLP. He practices in civil and corporate matters, including family law, bankruptcy, and personal injury. He provides pro bono services through partnership with New Mexico Legal Aid by conducting legal aid and pro se divorce clinics. He is a 2011 recipient of the *Albuquerque Business First* 40 Under Forty award. He is co-chair of the Chaves County Pro Bono Committee and president of the Chaves County Bar Association. Judge Hunter is a past president of the Valley Christian Academy Board of Directors and is a director for HD Studios. He attended Cameron University (*magna cum laude*) and Texas Tech University School of Law (*magna cum laude*), where he was a member of the *Texas Tech Law Review*. He has been married for more than 20 years to Jennifer and they have two children, Lauren and Ethan. Before he was appointed to the bench, Judge Hunter represented the Sixth Bar Commissioner District on the Board of Bar Commissioners.



## James T. Reist

*Supreme Court Appointee*

Jim Reist practices law in the small firm of Smidt, Reist & Keleher, P.C., in Albuquerque, New Mexico. His practice is primarily in the areas of business and commercial law and litigation as well as legal ethics and professional responsibility matters. He was appointed to the Commission beginning January 1, 2016. He also serves as chair of the Ethics Advisory Committee of the State Bar of New Mexico and has been a member of that committee for 20 years. He served as president of the Albuquerque Bar Association in 2015, and was a member of its board of directors from 2009 through 2016.





## Matthew Sanchez

*Supreme Court Appointee*

Matthew C. Sanchez, an Albuquerque native, currently serves as General Counsel to the Jaynes Companies, a collection of construction companies headquartered in Albuquerque, NM. Before joining Jaynes, Mr. Sanchez was a senior associate attorney with the Sheehan & Sheehan law firm where he represented not only Jaynes, but other clients such as the New Mexico Department of Transportation, the Public Schools Facilities Authority, contractors, suppliers, counties, municipalities, and various school districts. Mr. Sanchez's private practice centers on construction, employment, and commercial law. Mr. Sanchez obtained both his Masters and law degree at the University of New Mexico and completed his undergraduate studies at Santa Clara University in California. In early 2016, he was recognized as a Fellow of the American Bar Association Forum on Construction Law.



## Robert Valdez

*State Bar of New Mexico Appointee*

Robert E. Valdez, a trial lawyer practicing both in New Mexico and Texas, focuses on the defense of catastrophic losses in personal injury and commercial cases. Over the course of his 35 years as an attorney, he has dedicated himself to service to the state bars of both New Mexico and Texas. He currently serves on New Mexico's Ethics Advisory Commission and the District Disciplinary Committee for the U.S. District Court for the Western District of Texas. He has served as the chair of the Texas Board of Law Examiners as well as the Texas Board of Legal Specialization.

## EX OFFICIO MEMBERS



## Joseph Conte

*Appointed by Position, Executive Director, State Bar of New Mexico*

Joe Conte became the executive director of the State Bar of New Mexico and the New Mexico Bar Foundation in July 2003. He was director of communications for the State Bar from 1998–2001 and then was director of communications for the State Bar of Georgia, returning to New Mexico in 2001. Conte has more than two decades of experience in marketing, communications and non-profit management. He was deputy director of communications for the Michigan House of Representatives and senior editor for a California-based publishing company. He attended Oakland University (bachelor's degree) and Michigan State University (master's degree). He is a member of the National Association of Bar Executives, the Association of Legal Administrators, and the New Mexico Society of Association Executives. He has been an active volunteer for the Center for Civic Values and Dismas House, where he received the honor of "2006 Chef of the Year." Conte also volunteers for the American Lung Association of New Mexico and New Mexico Animal Friends. He is a past board member of the Appleseed Foundation of New Mexico and is currently vice president of the New Mexico Bio Park Society.<sup>10</sup> State Bar of New Mexico.



## Richard B. Spinello

*Administrator and Staff Counsel, General Counsel, State Bar of New Mexico*

Richard Spinello attended the University of New Mexico (B.A., 1989) and the Thomas M. Cooley Law School (J.D., 1997). Previously in private practice in Rio Rancho, Spinello assisted clients with family law, estate planning, probate and adult guardianships. He came to the State Bar in 2000 as a staff attorney for the Lawyer Referral for the Elderly Program. After three years as staff attorney and a year as managing attorney for the LREP program, Spinello was named director of the Public and Legal Services Department for the State Bar and Bar Foundation where he helped secure funding for and participated in the creation of the Client Protection Fund

rules and CPF Commission, the statewide 10 Step Pro Bono Plan, and the 2007 State Plan for Providing Civil Legal Services to Low Income New Mexicans. In January 2007, Spinello was named general counsel for the State Bar and is currently overseeing a professional office to assist the State Bar and Bar Foundation with policy and regulatory functions of an integrated bar.

## 2016 COMMISSION LIAISONS



### Justice Edward L. Chávez

#### *Supreme Court Liaison*

Justice Edward L. Chávez, a 1981 graduate from the University of New Mexico School of Law, has served on the New Mexico Supreme Court since March 7, 2003. He served as chief justice from Jan. 10, 2007, through April 7, 2010. He is a member of the American Law Institute and served on the Consultative Group on the Restatement of the Law 3rd Torts: Liability for Physical and Emotional Harm and is an Adviser to the Restatement of the Law 3rd: Intentional Torts to Persons. He is an elected Fellow in the American College of Trial Lawyers, the International Academy of Trial Lawyers and the Advanced Science and Technology Adjudication Resource Center.

### Anne Taylor

#### *Disciplinary Board Liaison*

Anne Taylor attended the University of New Mexico (B.A., Spanish, Phi Beta Kappa, cum laude, 1994) and Vanderbilt University School of Law (J.D., 2000). She has been with the Office of Disciplinary Counsel since January of 2002 and is involved in all levels of attorney discipline, including investigating and prosecuting complaints against attorneys, investigating petitions for reinstatement to the practice of law, monitoring attorneys on probation and filing petitions for reciprocal discipline. She is a member of the National Organization of Bar Counsel and has taught numerous continuing legal education programs in legal ethics, particularly in the areas of lawyer fees and trust accounting. She began working closely with the State Bar of New Mexico's Client-Attorney Assistance Program in 2002 and was designated as the Office of Disciplinary Counsel liaison to the Client Protection Fund and Commission in 2008. She also works closely with the New Mexico Lawyers and Judges Assistance Program and assisted the New Mexico Supreme Court's Code of Professional Conduct Committee in developing proposed revisions to the Rules of Professional Conduct. A mother of four, Taylor volunteers in fundraising efforts for Escuela del Sol Montessori and Albuquerque Academy.

# 2016 COMMISSION AND LIAISONS

## 2016 Client Protection Fund Commission and Liaisons

Chair Jason Marks	Reappointed January 1, 2016, 3-year term expires 12/31/2018
Treasurer Frank Chavez	Reappointed January 1, 2016, 3-year term expires 12/31/2018
Secretary Travis Steele	Reappointed January 1, 2016, 3-year term expires 12/31/2018
Leigh Anne Chavez	Appointed January 1, 2015, 3-year term expires 12/31/2017
Andrew Cloutier	Appointed January 1, 2015, 3-year term expires 12/31/2017
Dustin Hunter	Appointed January 1, 2016, term expired upon appointment to judicial position
James T. Reist	Appointed January 1, 2016, 3-year term expires 12/31/2018
Matthew Sanchez	Appointed January 1, 2015, 3-year term expires 12/31/2017
Robert Valdez	Appointed January 1, 2014, 3-year term expires 12/31/2016
Joseph Conte	Ex officio, non-voting, Executive Director, State Bar of New Mexico
Richard Spinello	Ex officio, non-voting, Administrator and Staff Counsel General Counsel, State Bar of New Mexico

## 2016 Client Protection Fund Liaisons

The Hon. Edward L. Chavez	New Mexico Supreme Court Liaison
Anne Taylor	Disciplinary Board Liaison

# FORMER COMMISSIONERS AND ADMINISTRATORS

Briggs Cheney	Appointed 2006 (founding commissioner) Reappointed 2008-2010, 2011-2014
Stuart Shanor	Appointed 2006 (founding commissioner) Reappointed 2008-2010, 2011-2014
Henry A. (Hank) Kelly	Appointed 2006 (founding commissioner) Reappointed 2007-2009, 2010-2012
Gaelle D. McConnell	Appointed 2006 (founding commissioner) Reappointed 2008-2010, 2011-2013
Daniel J. O'Brien	Appointed 2006 (founding commissioner) Reappointed 2008-2010, 2011-2013
Charles J. Vigil	Appointed 2006 (founding commissioner) Reappointed 2008-2010, 2011-2013, 2014-2015
Scotty Holloman (BBC Vice President)	1-year term expired 12/31/2015
J. Brent Moore (BBC Vice President)	1-year term expired 12/31/2014
Martha Chicoski (BBC Vice President)	1 year term expired 12/31/2013
Erika Anderson (BBC Vice President)	1 year term expired 12/31/2012
Andrew J. Cloutier (BBC Vice President)	1-year term expired 12/31/2011
Andrew J. Cloutier (BBC Treasurer)	1-year term expired 12/31/2010
Hans Voss (BBC Treasurer)	1-year term expired 12/31/2009
Jessica Pérez (BBC Treasurer)	1-year term expired 12/31/2008
Stephen S. Shanor (BBC Treasurer)	1-year term expired 12/31/2007
Henry A. Alaniz (BBC Treasurer)	1-year term expired 12/31/2006
Christine Joseph (Staff Administrator)	Ex officio 2009-2010
Richard Spinello (Staff Administrator)	Ex officio 2007-2008
Tonya Herring (Staff Administrator)	Ex officio 2006-2007
Charles D. Noland (Staff Administrator)	Ex officio 2011-2013



## Balance Sheet (Pre-Audit) As of December 31, 2016

Assets	
Cash and Equivalents	\$325,990.07
Certificates of Deposit	\$251,101.37
Accounts Receivable	\$ 5,000.00
Dues from State Bar	\$ 44,155.44
Prepaid Insurance	\$ 122.49
<b>Total Assets</b>	<b>\$626,369.37</b>
Liabilities and Net Assets	
Liabilities	
Deferred Revenues	\$ 41,565.00
Approved claims pending	\$ 9,155.00
<b>Total Liabilities</b>	<b>\$ 50,720.00</b>
Net Assets	
Fund Balance	\$502,500.02
Restricted Funds – Lawyer Succession & Transition Committee	\$ 9,287.82
Reserve for Open Claims	\$ 32,127.68
Current Year Decrease in Net Assets	\$ 31,733.85
<b>Total Net Assets</b>	<b>\$575,649.37</b>
<b>Total Liabilities and Net Assets</b>	<b>\$626,369.37</b>

**Statement of Revenues and Expenditures (Pre-Audit)  
For Year Ending December 31, 2016**

	Actual	2016 Budget	Variance Rev. (-) Exp. (+)
<b>Revenue</b>			
CPF Assessments	\$104,810.00	\$102,500.00	\$ 2,310.00
CPF Assessments (PHV)	\$ 6,675.00	\$ 6,500.00	\$ 175.00
Interest Earned	\$ 1,159.37	\$ 1,000.00	\$ 159.37
Contributions	\$ 5,400.00	0	\$ 5,400
Restitution	0	\$ 5,000	(\$ 5,000)
MCLE Excess Funds	\$ 80,000	0	\$ 80,000
<b>Total Revenue</b>	<b>\$198,044.37</b>	<b>\$ 115,000</b>	<b>\$ 83,044.37</b>
<b>Expenditures</b>			
Audit	\$ 1,200	\$ 1,200	0
Labor Expense	0	\$ 1,000	(\$ 1,000)
Dues & Subscriptions	\$ 200	\$ 200	0
Insurance Allocation	\$ 451.38	\$ 500	(\$ 48.62)
Postage Expense Allocation	\$ 153.90	\$ 300	(\$ 146.10)
Professional Development	\$ 3,338.50	\$ 10,000	(\$ 6,661.50)
Marketing & Advertising	\$ 472.50	\$ 1,000	(\$ 527.50)
Mileage Reimbursement	\$ 992.54	\$ 1,300	(\$ 307.46)
Meetings and Governance	\$ 1,393.58	\$ 1,000	\$ 393.58
<b>Total Expenditures</b>	<b>\$ 8,202.40</b>	<b>\$ 16,500</b>	<b>(\$ 8,297.60)</b>
<b>Revenue Over Expenditures</b>	<b>\$189,841.97</b>	<b>\$98,500</b>	<b>\$91,341.97</b>
Claims Approved	\$157,916.76	0	\$157,916.76
<b>Increase in Net Assets</b>	<b>\$31,733.85</b>	<b>\$98,500</b>	<b>(\$66,766.15)</b>

# 2016 CLAIMS AND RESPONDENT LAWYERS

## 2016 Claims and Respondent Lawyers

As set forth below 22 claims resolved in 2016 resulted in payments to the complaining party as a result of the actions of 15 lawyers. The following table summarizes those payments.

2016 Summary of Claims Approved by Lawyer				
Lawyers	Lawyer's Status as of 12/31/2016	Claims Approved in 2016	Dollars Awarded in 2016	Reason
Ellis, Erica	Inactive	1	\$2,500	Unearned Fees
Esquibel, Thomas	Suspended	1	\$5,000	Unearned Fees
Franco, Oralia	Deceased	1	\$393	Unearned Fees
Gonzalez, Marcos	Suspended	1	\$1,075	Unearned Fees
Jackson, Alain	Disbarred	2	\$2,000	Unearned Fees
Mladek, Michelle	Disbarred	1	\$3,100	Unearned Fees
Owens, Maria	Disbarred	2	\$18,259.58	Unearned Fees
Price, Sabrina	Suspended	4	\$21,155	Unearned Fees
Quintana, Luis	Disbarred	1	\$31,763.10	Unearned Fees
Rane, August J.	Suspended	1	\$6,000	Unearned Fees
Rascon, Anthony	Active	1	\$15,757.33	Unearned Fees
Richards, Nancy	Deceased	1	\$1,483.75	Unearned Fees
Roibal-Bradley, J.	Disbarred	1	\$3,550	Unearned Fees
Romo, Anthony	Deceased	1	\$30,000	Theft/Conversion
Vigil, Gilbert	Deceased	3	\$15,880	Unearned Fees
<b>Claims paid on 15 lawyers</b>	<b>Total approved</b>	<b>22</b>	<b>\$157,916.76</b>	



## 2006-2016 CUMULATIVE CLAIMS PAID BY LAWYER

<b>2006–2016 Cumulative Claims Paid by Lawyer</b>			
<b>Lawyer</b>	<b>Status as of 12/31/2016</b>	<b>Total Claims Paid 2006-2016 (amounts rounded)</b>	
Abeita, Christopher	Suspended	1	\$5,000
Alfaro, Mario	Disbarred	1	\$890
Arrieta, Jose	Disbarred	9	\$38,770
Baca, Henry	Deceased	1	\$1,200
Baker, G. Mitchell	Suspended	1	\$2,214
Bartholomew, James	Deceased	10	\$18,840
Benavidez, Edward	Deceased	3	\$7,145
Bloomfield, Gerald	Deceased	1	\$925
Burnett, John	Withdrawn	7	\$40,728
Camacho, Joseph	Inactive	2	\$8,275
Dinwiddie, Aaron	Suspended	2	\$4,300
Dolan, Daniel	Deceased	1	\$2,260
Ellis, Erica	Inactive	1	\$2,500
Esquibel, Thomas	Suspended	2	\$6,000
Franco, Oralia	Deceased	1	\$393
Gonzalez, Marcos	Suspended	2	\$7,575
Griffin, Nettie	Withdrawn	3	\$3,000
Jackson, Alain	Disbarred	3	\$3,400
Joiner, Joseph	Deceased	2	\$11,611
Jones, Jeffrey P.	Inactive	1	\$1,000
Kelley, Cody	Disbarred	3	\$23,750
Kelly, Leo	Suspended	1	\$2,500
Kennedy, Mary	Active	3	\$7,261
Kirkpatrick, Jack	Deceased	3	\$6,000
Klein, Donald	Deceased	1	\$850
Lepley, Donald	Deceased	1	\$10,000
Lunsford, Shawn	Disbarred	16	\$33,976
Marcus, Charles	Suspended	22	\$50,004
Martinez, Anthony	Deceased	1	\$600

### 2006–2016 Cumulative Claims Paid by Lawyer *continued...*

Lawyer	Status as of 12/31/2016	Total Claims Paid 2006-2016 (amounts rounded)	
Martinez, Dennis	Disbarred	1	\$6,090
Mladek, Michelle	Disbarred	2	\$6,340
Nelson, Gary Wayne	Disbarred	1	\$5,000
Ortiz, Rudy	Disbarred	2	\$10,305
Owens, Maria	Disbarred	2	\$18,260
Palacios, Pedro	Disbarred	15	\$49,823
Peters, Michael	Deceased	2	\$16,880
Peterson, Stephen	Deceased	3	\$4,000
Price, Sabrina	Suspended	15	\$59,844
Prichard, Troy	Disbarred	1	\$2,500
Quintana, Luis	Disbarred	4	\$38,177
Rane, August J.	Suspended	1	\$6,000
Racson, Anthony R.	Active	1	\$15,757
Richards, Nancy	Deceased	1	\$1,484
Roibal-Bradley, Juanita	Disbarred	1	\$3,550
Romo, Anthony	Deceased	3	\$51,400
Runnels, Michael	Disbarred	1	\$1,800
Sims, Bradley	Disbarred	4	\$7,800
Sims, Bradley	Disbarred	4	\$7,800
Sizemore, Victor	Deceased	16	\$110,137
Stein, Stuart	Disbarred	1	\$1,000
Tabet, Thomas	Suspended	6	\$9,500
Thompson, Erik	Suspended	4	\$6,775
Tippett, Sherry	Deceased	6	\$30,167
Turner, Eric	Suspended	6	\$16,481
Van Arnam, Raymond	Disbarred	3	\$6,692
Vigil, Gilbert	Deceased	8	\$32,824
Werner, Karl	Suspended	3	\$3,285
Williams, Victoria	Disbarred	1	\$5,905
Wright, Jackson	Deceased	10	\$17,159
<b>Totals (58 lawyers)</b>		<b>229</b>	<b>\$845,902</b>

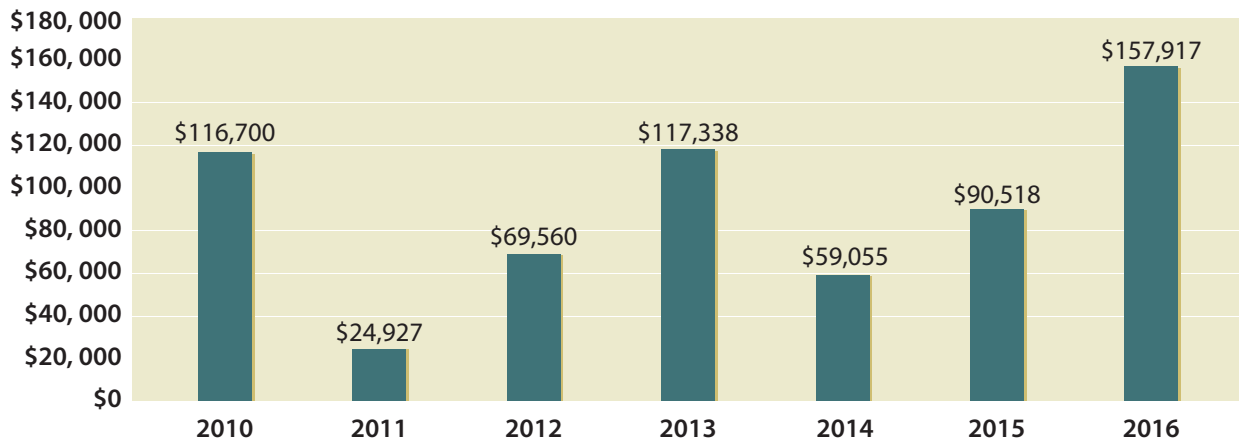
# ANNUAL STATISTICS 2006-2016

## 2006-2016 Annual Statistics

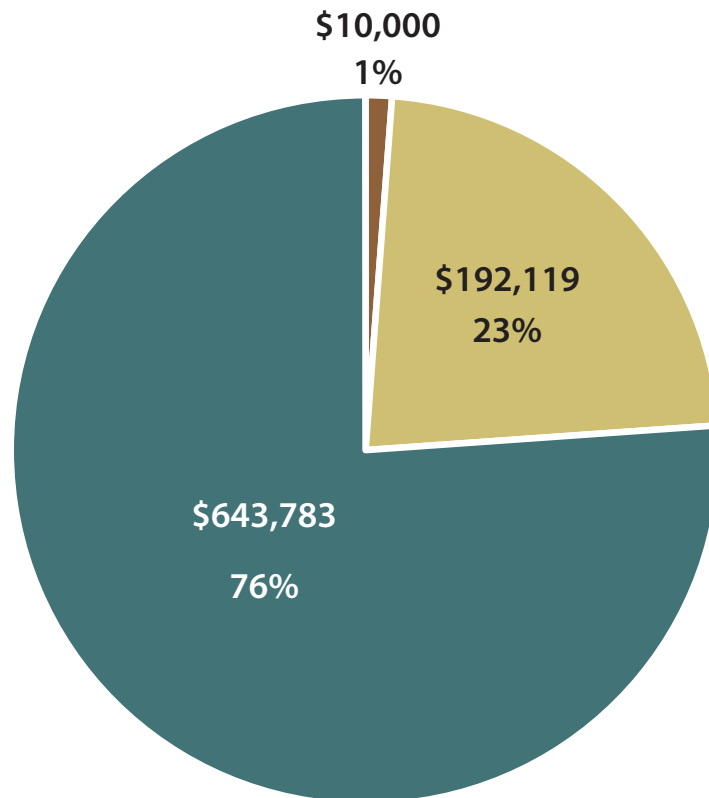
CLAIMS APPROVED	2006-10	2011	2012	2013	2014	2015	2016	TOTALS
Total number of claims approved in whole or in part	102	13	27	30	10	25	22	229
Total dollar amount of claims approved and paid (revised from prior annual reports after reconciliation of cumulative lawyer summary)	\$326,587	\$24,927	\$69,560	\$117,338	\$59,055	\$90,518	\$157,917	\$845,902
<b>CLAIMS DENIED</b>								
Total number of claims denied in whole or part	79	13	39	33	16	16	12	208
Total dollar amount of denials	\$339,207	\$14,034	\$120,674	\$106,162	\$232,303	\$73,568	\$189,602	\$1,075,550
Dollar amount of reimbursement limit per claim	\$	\$10,000	\$20,000	\$20,000	\$20,000	\$20,000	\$50,000	-----
Claims made over limit	14	0	2	1	2	1	0	20
Total amount denied over limit	\$140,638	0	0	0	\$150,000	0	0	\$290,618
Total amount denied for other reasons	\$198,589	\$14,034	\$120,674	\$106,162	\$82,303	\$73,568	\$189,602	\$784,932
<b>CLAIMS PENDING AT END OF YEAR</b>								
Claims undecided and carried over to next year	24	4	31	4	6	11	9	-----
Claim amount pending at end of year	\$92,555	\$10,950	\$189,147	\$32,128	\$43,524	\$59,486	\$56,696	-----
<b>ATTORNEY STATISTICS</b>								
Total number of attorneys with claims filed	59	8	23	28	19	26	27	-----
Highest number of claims filed for a single attorney	23 (2008)	8	18	6	5	8	3	-----
Top two attorneys – total percentage of claims filed	64% (2008)	69%	50%	24%	60%	50%	18.5%	-----
Top two attorneys – total percentage of amounts paid	65%	87%	80%	47%	55%	42%	16%	-----
Amount reimbursed to Fund	\$23,418	\$100	0	\$1,071	0	\$13,300	0	\$37,889



### Dollar Amount of Claims Reimbursed by Year 2010-2016



### Dollar Amount of Claims Reimbursed by Category



Hardship Exception

Theft

Failure to Refund/  
Unearned Fees



5121 Masthead NE, Albuquerque, NM 87109  
PO Box 92860, Albuquerque, NM 87199-2860

505-797-6093 • 800-876-6657

Fax: 505-828-3765

[www.nmbar.org](http://www.nmbar.org)