

State Bar of New Mexico  
Client Protection Fund

# 2014 | 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

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2014 COMMISSION December 31, 2014

Charles J. Vigil  
Chair

Jason Marks  
Vice Chair

Travis Steele  
Secretary

COMMISSIONERS

Frank N. Chavez  
Briggs F. Cheney  
J. Brent Moore  
Stuart Shanor  
Robert Valdez

EX OFFICIO MEMBERS

Joseph Conte  
Richard Spinello

In December of 2014, the Client Protection Fund Commission finished its ninth full year of operation. From its inception, the CPF has paid almost \$600,000 to clients harmed by dishonest New Mexico licensed attorneys. Year-by-year and cumulative statistics appear later in this report, and the 2014 statistics are set forth in detail after the section listing the CPF Commissioners, staff and liaisons.

The New Mexico Supreme Court created the CPF in December of 2005. The Court’s Order creating the CPF provided for six original Commissioners. As a result of term limits, one-by-one the original Commissioners have ended their tenure and there is only one original Commissioner serving today. The Commission has been extremely fortunate insofar as all of its members—past and present—have been devoted to the goal of protecting those who have been financially harmed by the dishonest conduct of New Mexico licensed attorneys. It has been my honor to have served with all of them.

In 2014, Briggs Cheney served his final year as the Commission’s Chair. Like all the original Commission members, Briggs was hand-picked to serve on the Commission because of his honesty, integrity and dedication to service to the bar. With his extensive and distinguished background in the area of lawyer professional liability, together with his experience and expertise drawn from his service on the Lawyer’s Assistance Committee, Briggs brought a unique perspective and insight into the difficult issues that the Commission has confronted. Over the years, the Commission was able to resolve many novel and difficult issues because Briggs was there to help reach a just and fair resolution. The State Bar, the Court and the Commission owe a great debt of gratitude to Briggs for his service and it is without a doubt that his presence and wise counsel will be sorely missed.

The Commission could not do its work without the assistance of the State Bar staff. State Bar Executive Director Joe Conte, State Bar General Counsel Richard Spinello and Commission staff member Dan Macy provide year-round program management and advice, for which the Commission is most grateful. Moreover, the Commission also gives its profound thanks to Chief Disciplinary Counsel William Slease and Assistant Disciplinary Counsel Anne Taylor for their contributions to the work of the Commission. Through their efforts, the Disciplinary Counsel Office now contributes invaluable secretarial, investigative and IT resource, which in turn allows more dollars to go directly to client reimbursement.

In 2014, the Commission saw a reduction in the total number of claims submitted but it remains busy not only resolving those claims, but also planning for the future, which may include some proposed rule changes. After having worked through a backlog of claims in 2013, the Commission in 2014 expeditiously resolved all of its pending claims, and it is poised to address new and interesting issues in the area of client protection in the coming year. On behalf of the Commission, I thank the Supreme Court for giving us a chance to serve the bar as we pursue its mission of promoting the public confidence in the administration of justice and the integrity of the legal profession.

Sincerely,

Charles J. Vigil, Esq.  
2014 Chair

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# Introduction



## History and Purpose

The purpose of the 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 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. Beginning Jan. 1, 2014, the Commission began using the New Mexico Disciplinary Board to assist in the technical administration of the Commission's tasks, including the processing of claims.



## 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 and again in 2012 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 2014 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 182 claims approved in the Commission's nine-year history. The maximum reimbursable amount was increased in 2012 from \$10,000 to \$20,000 per individual claim.



## 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 four 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).

## 2014 Annual Report Highlights and Commission Activities

The Client Protection Fund Commission finished its ninth full year of operation in 2014 paying \$59,055 in claims against eight lawyers. To date, the Commission has paid almost \$600,000 in cumulative reimbursements for clients' financial losses against 44 lawyers. Year-by-year and cumulative statistics appear later in this report.

The Commission met five times in 2014. Several Commission members attended the 30th ABA National Forum on Client Protection at the end of May 2015 in Long Beach, California.

The Commission bid farewell at the end of 2014 to two of its founding Commissioners: Briggs F. Cheney and Stuart Shanor. Both demonstrated an unfailing work ethic and dedication to the Commission and both will be greatly missed. The Commission also thanks J. Brent Moore for his service during his one-year term in his capacity as State Bar Vice President. Robert Valdez joined the Commission in 2014 for a three-year term as an appointee of the State Bar.

Effective Jan. 1, 2014, the Disciplinary Board of the New Mexico Supreme Court and the Commission entered into a Memorandum of Understanding whereby the Disciplinary Board now provides administrative support, including claims processing, for the Commission. The result has been a more streamlined, cost-effective administration of 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](http://www.nmbar.org)**

and click for *Public, I Have a Dispute with My Lawyer, Client Protection Fund*  
for further information on the Client Protection Fund.

## 2014 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 2014 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. 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.



**Charles J. Vigil, Chair**  
Supreme Court Appointee

Charles Vigil is the president and managing director of Rodey, Dickason, Sloan, Akin & Robb PA in Albuquerque, where he practices in the areas of labor and employment, products liability, commercial litigation and professional liability. He is a past president of the State Bar

of New Mexico and has been actively involved in the area of client protection on both the state and national levels. Vigil has served as a member of the New Mexico Client Protection Fund Commission since its inception in 2006 and in 2008 was appointed to serve on the ABA Standing Committee on Client Protection. In 2010 Vigil and Justice Richard C. Bosson, the Supreme Court liaison to the Client Protection Fund Commission, were named co-recipients of the National Client Protection Organization's annual Isaac Hecht Law Client Protection Award. Vigil was chair of the Commission in 2006, 2010 and 2014. He was most recently reappointed by the Supreme Court in January 2013. His current term ends Dec. 31, 2015.



**Jason A. Marks, Vice Chair**  
Supreme Court Appointee

Jason Marks was appointed by the Supreme Court to a three-year term in one of the approved new positions effective for 2013. 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, 2005-2012. He was recognized by the *Albuquerque Journal* on

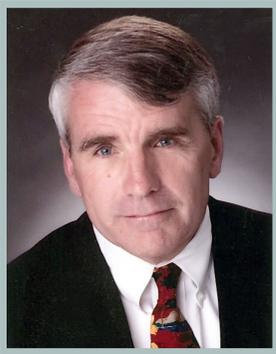
multiple occasions as the voice for public accountability and ethics at the PRC, and was also known for his protection of consumer interests and advocacy on behalf of renewable energy. Prior to becoming an attorney, Marks led a national consulting practice in healthcare finance extending to 20 states and the federal government. Marks served as Commission Vice Chair in 2014. His current term ends Dec. 31, 2015.



**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. Travis 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. Travis 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. Travis 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, he has experience responding to federal investigations, including False Claims Act investigations by the Office of the Inspector General. Travis regularly represents construction and real estate clients in breach of contract matters, lien disputes and construction defect litigation. In his creditors' rights practice, Travis 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 both landlords and tenants in commercial and residential lease disputes. Steele served as Commission Treasurer in 2014. His current term ends Dec. 31, 2015.



**Briggs F. Cheney**  
Supreme Court Appointee

Briggs Cheney has practiced law in Albuquerque since 1973 and has been of counsel with Sheehan & Sheehan PA since 1994. He has focused on representing lawyers, for which he has been recognized in *The Best Lawyers in America* since 1995 and in *Southwest*

*Super Lawyers* since 2007. In addition to his active litigation practice Cheney has been recognized as a mediator in *The Best Lawyers in America* since 2005. He was named one of Albuquerque's Top Lawyers by *Albuquerque The Magazine* in 2006. He holds an AV rating from Martindale-Hubbell. Cheney has been active in local, state and national bar activities. He served on the State Bar's Board of Bar Commissioners for nine years and is a past president of the New Mexico State Bar Foundation and the Albuquerque Bar Association. He was a founding member of the State Bar's Lawyers Assistance Committee in the 1980s and continues as an active committee member for the New Mexico Lawyers and Judges Assistance Program. He is also a member and past chair of the State Bar Lawyers' Professional Liability Committee. Cheney's national service included three terms as New Mexico's delegate to the American Bar Association House of Delegates and service on several ABA standing committees including lawyers' assistance and lawyers' professional liability. His honors include multiple awards for outstanding service and professional achievement from the ABA, the State Bar of New Mexico, the Albuquerque Bar Association and the UNM Alumni Association during the past 20 years. Cheney has served on the Commission since its inception in 2006 and was chair in 2009. He was most recently reappointed by the Supreme Court in January 2012. His current term ends Dec. 31, 2014.



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

Frank N. Chavez was appointed by the BBC to succeed founding Commissioner Hank Kelly when his last full term expired in December 2012. Frank's current term expires Dec. 31, 2015. In November 2013 he was also elected to represent

the Las Cruces area on the Board of Bar Commissioners. Frank attended New Mexico State, University of Washington and New Mexico Tech, obtaining his undergraduate degree in both biology and chemistry. He served his country in the U.S. Army Reserve from 1964-1970, as an enlisted man and as an officer. Before law school he worked for the N.M. Department of Health as an environmentalist. Frank

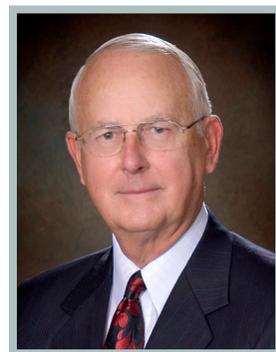
graduated from UNM School of Law in 1969. He worked for the state Attorney General's Office for three years and was the Las Cruces City Attorney for nine years. He was the president of Reeves, Chavez, Albers and Walker PA, the largest law firm in Las Cruces, for over 20 years. He was also a managing partner in the Rosner and Chavez LLC law firm in Las Cruces. He has been an AV rated attorney since 1995. He was on the Board of Bar Examiners for six years. Frank has also worked as a neutral arbitrator with the National Arbitration Forum. Frank presently serves on the Code of Professional Conduct Board, the Code of Judicial Conduct Board, and the Client Protection Board. He also conducts fee arbitrations for the State Bar. In his spare time Frank is a long distance bicycle rider with numerous cross country trips to his credit. He is married to Mary Rosner, a District Court Judge in Las Cruces.



**J. Brent Moore**  
State Bar of New Mexico Appointee

Mr. Moore's practice focuses on governmental relations, lobbying, administrative proceedings, and regulatory matters before the New Mexico Legislature and a number of New Mexico's agencies, including the Insurance Division of the

Public Regulation Commission, Environment Department, Regulation and Licensing Department, and Taxation and Revenue Department. Mr. Moore assists his clients with their governmental relations and regulatory needs in the areas of insurance, taxation, environmental law, and natural resources. Prior to joining the firm, Mr. Moore was the General Counsel for the Insurance Division of the New Mexico Public Regulation Commission, where he also served as Deputy Superintendent. After graduating from law school, Mr. Moore participated in the Legal Honors Program for the U.S. Department of Housing and Urban Development in Washington, D.C. Upon completing the program, he served as Agency Counsel for the Navajo Nation Environmental Protection Agency and Assistant General Counsel for the New Mexico Environment Department.



**Stuart D. Shanor,**  
Secretary  
Supreme Court Appointee

Stuart D. Shanor is a senior partner in the Roswell office of Hinkle, Hensley, Shanor & Martin LLP. His practice primarily involves commercial litigation, including products liability, employment cases,

mediation and arbitration. Shanor has served on the Executive Committee of the firm, as the partner in charge of the Roswell office, and is the firm's loss prevention partner. He attended Wittenberg University in Springfield, Ohio (B.A., 1959), and the University of Michigan Law School (J.D., 1962), where he was a member of the Barristers Society. He was affiliated with Thompson, Hine & Flory of Cleveland, Ohio, until 1966 when he relocated to New Mexico and joined the predecessor firm to Hinkle, Hensley, Shanor & Martin LLP. He is a member of the Chaves County and American Bar associations. He is admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Tenth Circuit, the U.S. Court of Claims, the U.S. District Court for the District of New Mexico, and the N.M. Supreme Court. He is a member of the American Judicature Society, a fellow of the American Bar Foundation, and a charter member of the New Mexico State Bar Foundation. Shanor served as chair of the N.M. Supreme Court Task Force on Lawyer Advertising, as co-chair of the Supreme Court Task Force on the Code of Professional Responsibility, and as chair of the Task Force on Professionalism. He is a review officer for the New Mexico Disciplinary Board. He is a former member of the Uniform Jury Instructions Committee of the N.M. Supreme Court. He is a former member and subcommittee chair of the Committee on Admissions and Disciplinary Proceedings for the U.S. District Court for the District of New Mexico. He is a fellow, past president and ex officio member of the Board of Regents of the American College of Trial Lawyers. Shanor is a former president of the Foundation of the American College of Trial Lawyers. He is a fellow of the International Society of Barristers and was a founder and the counselor of the George L. Reese Jr. American Inn of Court. He is recipient of the 2000 Professionalism Award of the State Bar of New Mexico and received the 2010 President's Award of the State Bar of New Mexico for contributions to the profession. Shanor has been listed in the *Best Lawyers in America* since 1989 in the area of business litigation. He also is listed in *Chambers USA* and *Super Lawyers of the Southwest*. Most recently, he was inducted into the Roehl Circle of Honor for Trial Lawyers. Shanor is also a former president of the Board of Education of the Roswell Independent School District and a former chair of the Roswell Planning and Zoning Commission and the Extraterritorial Zoning Commission. He has served on the boards of the Roswell Girls Club and is a past president of the Roswell Kiwanis Club. He is president of St. Andrew's Episcopal Church Foundation and a former member and senior warden of St. Andrew's Episcopal Church Vestry. He is a former director of United New Mexico Bank of Roswell and a former member of the board of trustees of Eastern New Mexico Medical Center. He has served on the Commission since its inception in 2006 and was most recently reappointed by the Supreme Court in January 2012. His current term ends Dec. 31, 2014.



**Robert Valdez**  
Supreme Court Appointee

Robert E. Valdez, a trial lawyer practicing 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. He presently serves on 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. His current term ends on Dec. 31, 2016.

## 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 State 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 2003. 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 Applesseed Foundation of New Mexico and the New Mexico Bio Park Society.

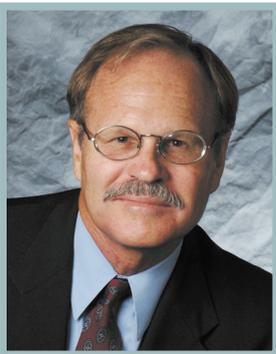


**Richard B. Spinello**  
Administrator and  
Staff Counsel  
General Counsel,  
State Bar of New Mexico

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 State 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 State Bar Foundation with policy and regulatory functions of an integrated bar.

**2014 COMMISSION LIAISONS**



**Justice Richard C. Bosson**  
Supreme Court Liaison

Justice Richard C. Bosson became a member of the New Mexico Supreme Court in December 2002 and served as chief justice from 2005–2006. He served as judge on the New Mexico Court of Appeals starting in 1994, including

two years as chief judge (2001–02). Justice Bosson attended Wesleyan University (B.A., 1966), Georgetown University Law Center (J.D., 1969) and the University of Virginia School of Law (Master’s Degree, Judicial Process, 1998). He has been an active member of the State Bar of New Mexico since 1970. He was a member of the Legal Aid Society of Albuquerque and a founding member of the Mexican American Legal Defense and Education Fund in Albuquerque from 1970–74. In 1975 he spent a year in Colombia as a recipient of a Latin American teaching fellowship sponsored by the Fletcher School of Law and Diplomacy associated with the Universidad de los Andes in Bogota. Justice Bosson was with the New Mexico Attorney

General’s Office in the Consumer Protection Division and as director of the Civil Division from 1976–78. Justice Bosson was in private practice in Santa Fe from 1981–1994 including terms as New Mexico Commissioner of Banking and State Bond Counsel. In 2010 Justice Bosson and Commissioner Charles Vigil were named co-recipients of the National Client Protection Organization’s annual Isaac Hecht Law Client Protection Award.

**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 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.

**2014 COMMISSION STAFF**



**Daniel Macy**  
Administrative Clerk

Daniel Macy attended the University of New Mexico (B.A., Political Science, 2012) and plans to go to law school. As the administrative clerk for the CPF, he is responsible for sending and processing claims, answering phones, and entering data. He also assists with the Divorce

Options workshops and the Bridge the Gap Mentorship Program. Macy began working at the State Bar in 2009 as a campaign assistant for Equal Access to Justice. He has also worked for the State Bar Foundation and has assisted the New Mexico Hispanic Bar Association.

## 2014 Commission and Staff

### 2014 Client Protection Fund Commissioners

Chair Charles J. Vigil	Reappointed Jan. 1, 2013, 3-year term expires 12/31/2015
Vice Chair Jason Marks	Appointed Jan. 1, 2013, 3-year term expires 12/31/2015
Secretary Travis Steele	Appointed Jan. 1, 2013, 3-year term expires 12/31/2015
Briggs F. Cheney	Reappointed Jan. 1, 2012, 3-year term expires 12/31/2014
Stuart D. Shanor	Reappointed Jan. 1, 2012, 3-year term expires 12/31/2014
J. Brent Moore	Appointed Jan. 1, 2014, 1-year term expires 12/31/2014
Frank Chavez	Appointed Jan. 1, 2013, 3-year term expires 12/31/2015
Robert Valdez	Appointed Jan. 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

### 2014 Client Protection Fund Liaisons

The Hon. Richard C. Bosson	New Mexico Supreme Court Liaison
Anne Taylor	Disciplinary Board Liaison

### 2014 Client Protection Fund Staff

Daniel Macy	Administrative Clerk, State Bar of New Mexico
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## Former Commissioners and Administrators

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
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

## 2014 Financial Information

### Balance Sheet (Pre-Audit) As of December 31, 2014

<b>Assets</b>	
Cash and Equivalents	\$537,461.26
Due from State Bar	\$ 48,983.63
<b>Total Assets</b>	<b>\$586,444.89</b>
<b>Liabilities and Net Assets</b>	
<b>Liabilities</b>	
Deferred Revenues	\$ 22,800.00
Approved claims Pending payment	\$ 30,415.00
<b>Total Liabilities</b>	<b>\$ 53,215.00</b>
<b>Net Assets</b>	
Fund Balance	\$457,642.42
Restricted Funds— Lawyer Succession & Transition Committee	\$ 11,991.82
Reserve for Open Claims	\$ 32,127.68
Current Year Increase in Net Assets	\$ 31,467.97
<b>Total Net Assets</b>	<b>\$533,229.89</b>
<b>Total Liabilities and Net Assets</b>	<b>\$586,444.89</b>

**Statement of Revenues and Expenditures (Pre-Audit)  
For Year Ending December 31, 2014**

	<b>Actual</b>	<b>2014 Budget</b>	<b>Variance REV. ( - ) EXP. (+)</b>
<b>Revenue</b>			
CPF Assessments	\$102,150.00	\$100,000.00	\$ 2,150.00
CPF Assessments (PHV)	\$ 6,330.00	\$ 8,000.00	(\$ 1,670.00)
Interest Earned	\$ 738.94	\$ 2,000.00	(\$ 1,261.06)
Restitution	\$ 1,200.00	\$ 2,500.00	(\$ 1,300.00)
Contributions	\$ 1,800.00	0	\$ 1,800.00
<b>Total Revenue</b>	<b>\$112,173.94</b>	<b>\$112,500.00</b>	<b>(\$ 326.06)</b>
<b>Expenditures</b>			
Bar Center Occupancy	\$ 999.96	0	\$ 999.96
Audit	\$ 1,200.00	\$ 1,200.00	0
Labor Expense	\$ 7,961.58	\$ 35,600.00	(\$27,638.42)
Dues & Subscriptions	\$ 200.00	\$ 200.00	0
Insurance Allocation	\$ 756.40	\$ 540.00	\$ 216.40
Internet/Phone Allocation	\$ 529.21	\$ 600.00	(\$ 70.79)
Postage Expense Allocation	\$ 114.86	0	\$ 114.86
Professional Development	\$ 5,032.10	\$ 9,000.00	(\$ 3,967.90)
Marketing & Advertising	\$ 380.00	\$ 1,000.00	(\$ 620.00)
Mileage Reimbursement	\$ 983.20	\$ 750.00	\$ 233.20
Meetings and Governance	\$ 789.66	\$ 1,000	(\$ 210.34)
<b>Total Expenditures</b>	<b>\$ 18,946.97</b>	<b>\$ 49,890.00</b>	<b>(\$30,943.03)</b>
<b>Revenue Over Expenditures Before Claims</b>	<b>\$ 93,226.97</b>	<b>\$ 62,610.00</b>	<b>\$ 30,616.97</b>
<b>Lawyers Succession &amp; Transition Expenses</b>			
Service Contracts	\$ 95.00	0	\$ 95.00
Printing Expenses	\$ 2,609.00	0	\$ 2,609.00
Claims Approved	\$ 59,055.00	0	\$ 59,055.00
<b>Revenue over Expenditures</b>	<b>\$ 31,467.97</b>	<b>\$ 62,610.00</b>	<b>(\$31,142.03)</b>

## 2014 Claims and Respondent Lawyers

### 2014 Claims and Respondent Lawyers

As set forth below 10 of the 21 claims resolved in 2014 resulted in payments to the complaining party as a result of the actions of 8 lawyers. The following table summarizes those decisions. For a 2006-14 cumulative summary see pages 15-16.

2014 Summary of Claims Approved by Lawyer				
Lawyers (8)	Lawyer's Status as of 12/31/2014	Claims Approved 2014	Dollars Awarded 2014	Reason
Michelle Mladek, Ruidoso	Active	1	\$ 3,240	Unearned Fees
Anthony Romo, Albuquerque	Suspended	1	\$20,000	Theft/Conversion
Raymond Van Arnam, Alamogordo	Disbarred	1	\$ 1,500	Unearned Fees
Troy Prichard, Albuquerque	Active	1	\$ 2,500	Unearned fees
Gilbert Vigil, Albuquerque	Withdrawn	1	\$ 1,250	Unearned fees
Sabrina Price, Phoenix, Ariz.	Suspended	2	\$ 7,415	Unearned fees
Alain Jackson, Albuquerque	Disbarred	1	\$ 1,400	Unearned fees
Cody Kelley, Albuquerque	Suspended	2	\$21,750	\$20,000 theft/conversion \$ 1,750 unearned fees
	Total approved	10	\$59,055	Unearned fees \$19,055 Theft/conversion \$40,000

## 2006–2014 Cumulative Claims Paid by Lawyer

2006–2014 Cumulative Claims Paid by Lawyer			
Lawyer	Status as of 12/31/2014	Total Claims Paid 2006-2014	
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
Dinwiddie, Aaron	Suspended	2	\$ 4,300
Griffin, Nettie	Withdrawn	3	\$ 3,000
Jackson, Alain	Disbarred	1	\$ 1,400
Joiner, Joseph	Deceased	2	\$11,611
Kelley, Cody	Suspended	2	\$21,750
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
Martinez, Dennis	Disbarred	1	\$ 6,090

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<b>2006-2014 Cumulative Claims Paid by Lawyer continued</b>			
<b>Lawyer</b>	<b>Status as of 12/31/2014</b>	<b>Total Claims Paid 2006-2014</b>	
Mladek, Michelle	Active	1	\$ 3,240
Nelson, Gary Wayne	Disbarred	1	\$ 5,000
Ortiz, Rudy	Disbarred	2	\$ 10,305
Palacios, Pedro	Disbarred	15	\$ 49,823
Peters, Michael	Deceased	2	\$ 16,880
Price, Sabrina	Suspended	2	\$ 7,415
Prichard, Troy	Active	1	\$ 2,500
Romo, Anthony	Suspended	2	\$ 21,400
Runnels, Michael	Disbarred	1	\$ 1,800
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	5	\$ 10,167
Turner, Eric	Disbarred	6	\$ 16,481
Van Arnam, Raymond	Disbarred	3	\$ 6,692
Vigil, Gilbert	Withdrawn	3	\$ 9,149
Werner, Karl	Suspended	3	\$ 3,285
Williams, Victoria	Disbarred	1	\$ 5,905
Wright, Jackson	Deceased	10	\$ 17,159
<b>Totals (44 lawyers)</b>		<b>182</b>	<b>\$597,467</b>

## 2006–2014 Annual Statistics

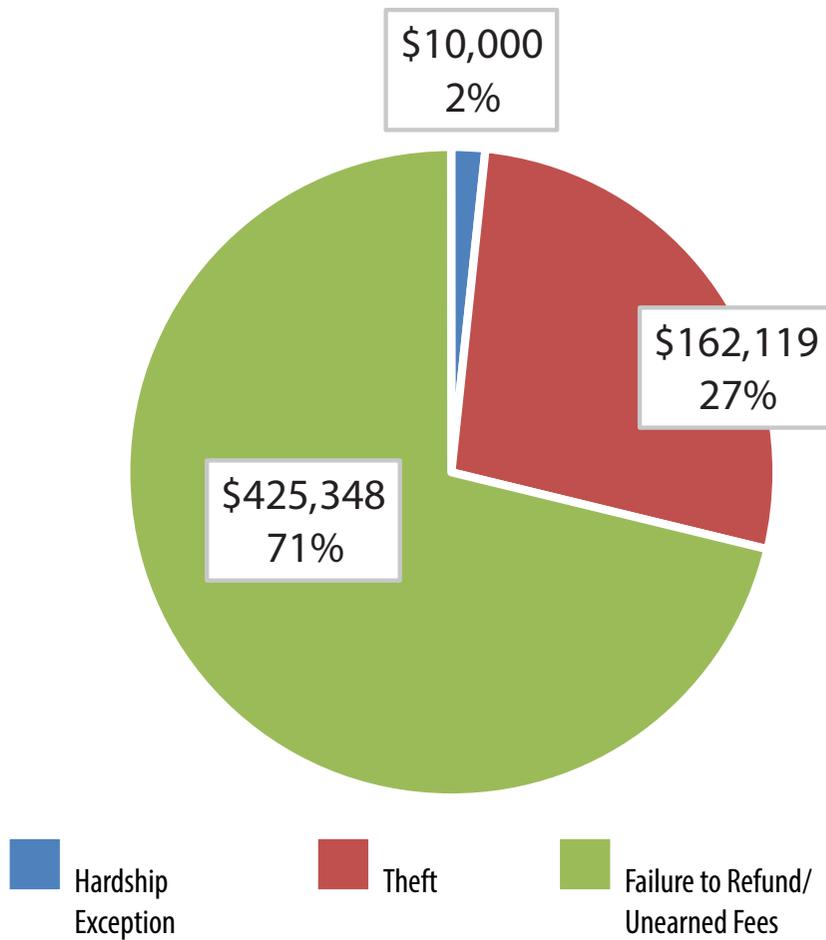
### 2006–2014 Annual Statistics

<b>CLAIMS APPROVED</b>	<b>2006-08</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>TOTALS</b>
Total number of claims approved in whole or in part	47	23	32	13	27	30	10	182
Total dollar amount of claims approved and paid (revised from prior annual reports after reconciliation of cumulative lawyer summary)	\$113,921	\$95,966	\$116,700	\$24,927	\$69,560	\$117,338	\$59,055	\$597,467
<b>CLAIMS DENIED</b>								
Total number of claims denied in whole or part	43	11	25	13	39	33	16	180
Total dollar amount of denials	\$144,292	\$60,734	\$134,181	\$14,034	\$120,674	\$106,162	\$232,303	\$812,380
Dollar amount of reimbursement limit per claim	-----	\$10,000	\$10,000	\$10,000	\$20,000	\$20,000	\$20,000	-----
Claims made over limit	5	3	6	0	2	1	2	19
Total amount denied over limit	\$29,878	\$33,340	\$77,400	0	0	0	\$150,000	\$290,618
Total amount denied for other reasons	\$114,414	\$27,394	\$56,781	\$14,034	\$120,674	\$106,162	\$82,303	\$521,852
<b>CLAIMS PENDING AT END OF YEAR</b>								
Claims undecided and carried over to next year	14	10	0	4	31	4	6	-----
Claim amount pending at end of year	\$34,012	\$58,543	\$0	\$10,950	\$189,147	\$32,128	\$43,524	-----
<b>ATTORNEY STATISTICS</b>								
Total number of attorneys with claims filed	30	15	14	8	23	28	19	-----
Highest number of claims filed for a single attorney	23 (2008)	13	9	8	18	6	5	-----
Top two attorneys – total percentage of claims filed	64% (2008)	66%	37%	69%	50%	24%	60%	-----
Top two attorneys – total percentage of amounts paid	65%	76%	55%	87%	80%	47%	55%	-----
Amount reimbursed to Fund	\$13,666	\$6,502	\$3,250	\$100	\$0	\$1,071	0	\$24,589

## 2006–2014 Statistical History



### Dollar Amount of Claims Paid by Category





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