

**BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF NEW MEXICO**

**Case Number: 02-2006-505**

**IN RE:**

**STUART L. STEIN, ESQ.,**

**An Attorney Admitted to the Bar  
of the Supreme Court of New Mexico,**

**Respondent.**

---

**REQUEST FOR DISCOVERY**

COMES NOW Respondent Stuart L. Stein, Esq., by and through the undersigned firm, and under the authority of Rule 17-311 of the Rules Governing Discipline seeks permission from the chairman of the hearing committee to conduct the following discovery:

**I - REQUESTS TO PRODUCE**

Showing of Need. Respondent needs to see all materials obtained by disciplinary counsel from third parties in their investigation to discovery what will be introduced at the final hearing, what will not be produced at final hearing and written statements of witnesses that may have been obtained. The initial complaining witnesses, Judge Linda Vanzi, has not been listed as a witness by disciplinary counsel. Judge Vanzi may have provided materials to disciplinary counsel that were not forwarded with her initial complaint. Further, four witnesses listed in the Specification of Charges are attorneys.

Production of what such attorneys provided to disciplinary counsel may have bearing on the question of any attorney-client privilege with their respective clients and the selective disclosure to prejudice the matter against Respondent. Without having these materials for review prior to deposition of the witnesses, complete preparation for the final hearing will be fatally flawed. This can only be done with a Request for Production directed to Petitioner and responded to by disciplinary counsel. Disciplinary counsel failed to respond to a June 22, 2006 letter from Respondent to obtain this material. See, Exhibit A, attached hereto.

Additionally, without knowing what is in the hands of Petitioner, Respondent is not in a position to know what not to request from the other witnesses upon their deposition(s) to avoid them producing the same materials.

## **II - REQUESTS FOR ADMISSIONS**

Showing of Need. Respondent needs to narrow and clarify the issues concerning the specific violations of the Rules of Professional Conduct raised in the Specification of Charges. Since paragraph 3 of the Specification of Charges lists violations of the Rules of Professional Conduct different from those listed in paragraph 48 of the Specification of Charges and since this hearing committee has refused to allow the Motion to Dismiss partially based on this inherent inconsistent position, the only way Respondent can identify what violations Petitioner, through disciplinary counsel, intends to prove, amongst other issues, is by responses to Request for Admissions.

## **III - INTERROGATORIES**

Showing of Need. Respondent needs to pin down under oath what actions

taken on his part are considered by disciplinary counsel violations of the particular Rules of Professional Conduct. Without knowing what facts sought to be proved violate which Rules of Professional Conduct, Respondent is moving towards the final hearing blind. This can only be done with interrogatories propounded to Petitioner and responded to by disciplinary counsel.

#### **IV - DEPOSITIONS**

Showing of Need. Once the above requested discovery is obtained, depositions of all witnesses will be required to find out (1) what their testimony will be at the final hearing, (2) to explain inconsistencies with any of the positions previously taken based on the other discovery materials then produced and (3) any other matters pertinent to the veracity of their expected testimony. Further, since some witnesses are out of state, it may be impossible to have them appear at trial without unnecessary expense. Should their depositions be taken, their potential telephone testimony will be better able to be comprehended by this hearing committee and a better record will be had for review, should that be necessary. Further, because of the number of witnesses, the trial date may not find that all these witnesses are available for live testimony and their depositions will have to be read into the record for the hearing committee to consider.

WHEREFORE, Respondent prays that all the requested discovery should be GRANTED.

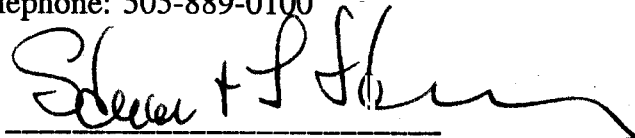
**I HEREBY CERTIFY** that the original and a true copy of the foregoing was mailed to Robert P. Tinnin, Esq., Committee Chair, 500 Marquette N.W., Suite 1300,

Albuquerque, NM 87102, John P. Eastham, Esq., 2201 San Pedro, N.E., Building 2, Suite  
207, Albuquerque, NM 87110, Ms. Carolyn Tinker, 1801 Camino Raso, N.W., Albuquerque,  
NM 87107, Committee Members, and Joel L. Widman, Esq., Deputy Disciplinary Counsel,  
Post Office Box 1809, Albuquerque, NM 87103-1809 this July 3, 2006.

**THE STEIN LAW FIRM**

Attorney for Respondent  
City Place - Suite 2200  
2155 Louisiana Blvd., N.E.  
Albuquerque, NM 87110  
Telephone: 505-889-0100

by

  
Stuart L. Stein

c:\misc\pleading\discipline.713



THE STEIN LAW FIRM

June 22, 2006


Mr. Joel L. Widman  
The Disciplinary Board  
Post Office Box 1809  
Albuquerque, NM 87103-1809

Re: Complaint of Judge Linda Vanzi  
Disciplinary Case No. 03-2006-505

Dear Mr. Widman:

Please supply copies of all materials obtained by your office from third parties on the above pending matter to this office. Should there be a charge for copies, please bill and it will be forwarded.

Yours very truly,  
THE STEIN LAW FIRM

by   
Stuart L. Stein

Stuart L. Stein, Esq. • Attorney at Law  
Main Office: CityPlace - Suite 2200 • 2155 Louisiana, N.E.  
Albuquerque, NM 87110 • Phone (505) 889-0100 • Fax (505) 889-0953  
Providing Quality Estate Planning Throughout New Mexico

A