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

Disciplinary No. 06-2003-458

In the Matter of

STUART L. STEIN, ESQ.

COPY

An Attorney Licensed to  
Practice Before the Courts of  
the State of New Mexico

DEPOSITION OF LARRY KAY  
January 20, 2004  
11:00 a.m.  
20 First Plaza, Suite 700  
Albuquerque, New Mexico

PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: MS. NANCY HOLLANDER  
ATTORNEY FOR STUART L. STEIN

REPORTED BY: Melissa Correa, RPR, CCR #279  
Bean & Associates, Inc.  
Professional Court Reporting Service  
500 Marquette, Northwest, Suite 280  
Albuquerque, New Mexico 87102

JOB NO.: 2622R (MEL)

1 time, various times, and we'll make a comment like,  
2 "When's your deposition?" But no, no substance.

3 Q. Now, how were you first contacted about  
4 appearing as a witness in this case?

5 A. I'm sure The Disciplinary Board contacted  
6 me, or -- it was either that or I received a  
7 subpoena.

8 Q. One of the documents in Exhibit 5 is a  
9 letter on April 8th from Ms. Karni to you asking if  
10 you had obtained a waiver from Barbara BogaRosh.

11 A. Right.

12 Q. Did you obtain that waiver?

13 A. Yes. Yes.

14 Q. Now, did you turn over any documents from  
15 your file to the disciplinary board?

16 A. I don't think so. I don't recall. No.

17 Q. But you talked to members of the  
18 disciplinary board --

19 A. Sure. Yes.

20 Q. -- about your representation with  
21 Ms. BogaRosh?

22 A. Yes.

23 MS. SCOTT-MULLINS: Ms. Hollander, for the  
24 sake of accuracy, I believe that Mr. Kay has  
25 indicated he talked to me and to Ms. Karni. We are

1 not members of the disciplinary board. We are  
2 disciplinary counsel.

3 MS. HOLLANDER: I'm sorry. You're  
4 correct.

5 MS. SCOTT-MULLINS: Just for accuracy's  
6 sake.

7 Q. (By Ms. Hollander) So you talked to  
8 disciplinary counsel about your representation of  
9 Mr. BogaRosh, and you got a waiver of  
10 confidentiality from his guardian and conservator,  
11 Ms. BogaRosh.

12 A. Yes. His daughter, yes.

13 Q. Is that completely accurate?

14 A. Yes.

15 Q. Now, according to this letter, it says  
16 that you provided the trust for them that you  
17 drafted and the billing statement that reflects the  
18 work you did.

19 A. To whom?

20 Q. To disciplinary counsel.

21 A. I very well could have. Yeah. It's asked  
22 of me to do that, and I don't recall if I did or I  
23 didn't. But I'm sure they got that information  
24 either from me or Barbara BogaRosh, who I'm sure had  
25 all those items.