

SUPREME COURT OF NORTH DAKOTA

In the Matter of the Application for Disciplinary Action Against
TaLisa A. Nemec

2009 ND 58 · No. Nos. 20090077, 20090078 · Decided April 9, 2009

SUMMARY

The Supreme Court of North Dakota accepted TaLisa A. Nemec's consent to discipline and suspended her from the practice of law for 24 months, retroactive to December 19, 2007, to run concurrently with an earlier 18-month suspension. The discipline arose from client abandonment, failures of communication and diligence, failure to protect client interests upon termination, and related violations of professional conduct and lawyer discipline rules.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Gerald W. VandeWalle, Chief Justice; Daniel J. Crothers; Carol Ronning Kapsner; Mary Muehlen Maring; Dale V. Sandstrom
JURISDICTION	North Dakota
DECIDED	April 9, 2009
DOCKET	Nos. 20090077, 20090078
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of North Dakota reviewed a stipulation, consent to discipline, and hearing panel recommendation in an attorney-discipline proceeding referred under N.D.R. Lawyer Discipl. 3.1(F).
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion

TOPICS

- administrative law
- appellate procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- administrative law

QUESTIONS PRESENTED

- Whether the Supreme Court should accept Nemec's stipulation and consent to discipline.

2. What discipline should be imposed for Nemec's violations of the North Dakota Rules of Professional Conduct and the North Dakota Rules of Lawyer Discipline.

HOLDINGS

1. The Supreme Court accepted the Stipulation, Consent to Discipline, and Recommendation of the Hearing Panel.
2. Nemec was suspended from the practice of law for twenty-four months, retroactive to December 19, 2007, to run concurrently with her prior eighteen-month suspension, and was required to pay \$250 in costs and expenses and comply with the reinstatement requirements of N.D.R. Lawyer Discipl. 4.5.

KEY QUOTATIONS

“ORDERED, the Stipulation, Consent to Discipline and Recommendation of Hearing Panel filed March 3, 2009, is accepted, and TaLisa A. Nemec is suspended from the practice of law for a period of twenty-four months, retroactive to December 19, 2007, to run concurrently with the eighteen month suspension imposed in Disciplinary Board v. Nemec, 2008 ND 216, 758 N.W.2d 660” (¶ 8)

FACTUAL BACKGROUND

Nemec represented Heather Graner in a family-law matter and appeal but stopped communicating with Graner after the Supreme Court issued its decision, despite Graner's messages. Nemec also represented Wayne Zahn in a criminal appeal and intended post-conviction matter, but failed to communicate with him, notify him of her suspension, return his file, or assist with post-conviction relief. Nemec moved to Montana and abandoned her law practice without notifying or protecting the interests of her clients.

PROCEDURAL HISTORY

Nemec was previously placed on interim suspension and later received an eighteen-month suspension for disciplinary violations. In this proceeding, the Disciplinary Board charged her with additional violations arising from abandonment and inadequate communication with clients. Nemec did not answer the petition but stipulated to a twenty-four-month suspension, retroactive to December 19, 2007, concurrent with her prior suspension, and payment of \$250 in costs. The Supreme Court accepted the stipulation and ordered the agreed discipline.

DISPOSITION

other

CASES CITED

- Disciplinary Board v. Nemec, 2007 ND 204, 743 N.W.2d 129
- Disciplinary Board v. Nemec, 2008 ND 216, 758 N.W.2d 660
- Graner v. Graner, 2007 ND 139, 738 N.W.2d 9

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