

SUPREME COURT OF NEBRASKA

State ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Jason M. Bruno

308 Neb. 478 (2021) · No. No. S-20-814 · Decided February 19, 2021

SUMMARY

The Nebraska Supreme Court granted the Counsel for Discipline’s motion for reciprocal discipline against Jason M. Bruno based on disciplinary findings in Arizona. The court suspended Bruno from practicing law in Nebraska for six months and imposed related notification and cost obligations.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Per Curiam; Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Funke, J.; Papik, J.; Freudenberg, J.
JURISDICTION	Nebraska
DECIDED	February 19, 2021
DOCKET	No. S-20-814
DISPOSITION	other
PROCEDURAL POSTURE	Original reciprocal-discipline proceeding arising from disciplinary action imposed on the respondent by the State Bar of Arizona. The Nebraska Counsel for Discipline moved under Neb. Ct. R. § 3-321 to impose reciprocal discipline.
STANDARD OF REVIEW	The court considered the record and the facts determined by the State Bar of Arizona and evaluated the appropriate discipline in light of the particular facts and circumstances.
PRECEDENTIAL VALUE	Published opinion; precedential Nebraska Supreme Court decision
PARTIES	State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Jason M. Bruno

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nebraska should impose reciprocal discipline based on the disciplinary judgment entered against Bruno in Arizona.
2. Whether Bruno demonstrated a denial of due process or an infirmity of proof sufficient to prevent Nebraska from relying on the Arizona disciplinary determination.
3. What discipline was appropriate under the circumstances.

HOLDINGS

1. A judicial determination of attorney misconduct in one jurisdiction is generally conclusive proof of guilt and is not subject to relitigation in the second jurisdiction.
2. Bruno did not demonstrate a lack of due process or an infirmity of proof in the Arizona disciplinary proceedings.
3. A 6-month suspension from the practice of law was appropriate reciprocal discipline.

KEY QUOTATIONS

“In a reciprocal discipline proceeding, a judicial determination of attorney misconduct in one jurisdiction is generally conclusive proof of guilt and is not subject to relitigation in the second jurisdiction.” (480)

“The respondent has not demonstrated a lack of due process of law or an infirmity of proof.” (481)

FACTUAL BACKGROUND

Bruno was admitted to practice law in Arizona and Nebraska. Arizona disciplinary authorities found that he violated rules concerning candor toward a tribunal, fairness to opposing counsel, and professional misconduct after he failed to disclose material in a discovery matter. The Arizona proceedings found that he intentionally concealed evidence, misled opposing counsel, and caused the opposing party to alter its litigation strategy, resulting in a 6-month suspension and additional conditions.

PROCEDURAL HISTORY

The State Bar of Arizona issued a final disciplinary judgment suspending Bruno for 6 months, followed by probation and other conditions, after finding violations arising from a discovery matter. The Nebraska Counsel for Discipline filed a motion for reciprocal discipline. After the Nebraska Supreme Court issued an order to show cause, Bruno challenged the Arizona proceedings on due-process and evidentiary grounds and requested oral argument. The court denied oral argument, granted the motion, and imposed a 6-month suspension.

DISPOSITION

other

CASES CITED

- State ex rel. Counsel for Dis. v. Murphy, 283 Neb. 982, 814 N.W.2d 107 (2012)

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