

SUPREME COURT OF NEBRASKA

State of Nebraska ex rel. Counsel for Discipline of the Nebraska
Supreme Court v. Paul M. Conley, 268 Neb. 674

686 N.W.2d 902 (2004) · No. S-04-460 · Decided October 1, 2004

SUMMARY

The Supreme Court of Nebraska approved Paul M. Conley's conditional admission to disciplinary charges arising from his representation of clients in a Chapter 13 bankruptcy proceeding. The court found violations involving dishonesty, conduct prejudicial to the administration of justice, fitness to practice law, and prejudice to a client, and imposed a public reprimand and costs.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Per Curiam; Wright, J.; Connolly, J.; Gerrard, J.; Stephan, J.; Miller-Lerman, J.
JURISDICTION	Nebraska
DECIDED	October 1, 2004
DOCKET	S-04-460
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which formal charges were filed and the respondent submitted a conditional admission in exchange for a public reprimand.
STANDARD OF REVIEW	Independent review of the record; violations were required to be established by clear and convincing evidence.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential attorney-discipline decision.
PARTIES	State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Paul M. Conley

TOPICS

- sanctions
- bankruptcy
- chapter 13
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should approve Conley's conditional admission of the formal disciplinary charges.
2. Whether the admitted conduct violated DR 1-102(A)(4), DR 1-102(A)(5), DR 1-102(A)(6), and DR 7-101(A)(3).
3. Whether a public reprimand and assessment of costs and expenses were appropriate discipline.

HOLDINGS

1. The court approved the conditional admission because Conley knowingly admitted the essential relevant facts and waived all proceedings concerning the admitted charges.
2. By clear and convincing evidence, Conley violated DR 1-102(A)(4), DR 1-102(A)(5), DR 1-102(A)(6), and DR 7-101(A)(3).
3. A public reprimand was appropriate, and Conley was ordered to pay allowable costs and expenses.

KEY QUOTATIONS

"The conditional admission shall include a written statement that the Respondent knowingly admits or knowingly does not challenge or contest the truth of the matter or matters conditionally admitted and waives all proceedings against him or her in connection therewith." (268 Neb. 675-76)

"Based on the conditional admission of respondent, the recommendation of the Counsel for Discipline, and our independent review of the record, we find by clear and convincing evidence that respondent has violated DR 1-102(A)(4), (5), and (6), and DR 7-101(A)(3), and that respondent should be and hereby is publicly reprimanded." (268 Neb. 676)

FACTUAL BACKGROUND

Conley represented Steve and Becky Vandenberg in a chapter 13 bankruptcy proceeding beginning in November 2001. During the proceeding, he entered into a stipulation with a creditor without the clients' authorization and without informing them of the stipulation's complete terms. After receiving notice that the clients were in default on trustee payments, he failed to notify them or take steps to prevent dismissal of the bankruptcy case, which was dismissed on February 12, 2003.

PROCEDURAL HISTORY

Formal charges were filed against Conley on April 15, 2004, alleging violations of several provisions of the Nebraska Code of Professional Responsibility arising from his representation of bankruptcy clients. Conley filed a conditional admission on August 10, 2004, admitting the allegations and waiving further proceedings in exchange for a public reprimand. The Nebraska Supreme Court independently reviewed the record, approved the conditional admission, publicly reprimanded Conley, and ordered payment of costs and expenses.

DISPOSITION

other

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/nebraska-supreme-court-of-nebraska/2004/state-of-nebraska-ex-rel-counsel-for-discipline-of-the-cm8ovre0>