NEBRASKA SUPREME COURT

State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. John D. Feller

299 Neb. 461 (2018) · No. S-17-1291 · Decided March 23, 2018

SUMMARY

The Nebraska Supreme Court accepted John D. Feller’s voluntary surrender of his law license after he stated that he would not contest allegations that he misappropriated client funds. The court entered an immediate judgment of disbarment and directed Feller to comply with applicable disciplinary rules and pay any ordered costs and expenses.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Funke, J.
JURISDICTION	Nebraska
DECIDED	March 23, 2018
DOCKET	S-17-1291
DISPOSITION	other
PROCEDURAL POSTURE	Original disciplinary action arising from respondent's voluntary surrender of his license to practice law.
PRECEDENTIAL VALUE	published
PARTIES	State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. John D. Feller

TOPICS

sanctions · contempt · costs · remedies · civil procedure

PRACTICE AREAS

attorney discipline · professional responsibility

QUESTIONS PRESENTED

1. Whether the Nebraska Supreme Court should accept Feller's voluntary surrender of his license under Neb. Ct. R. § 3-315.

2. Whether Feller should be disbarred and required to comply with the applicable disciplinary rules and pay any assessed costs and expenses.

HOLDINGS

1. A member who voluntarily surrenders a law license in compliance with Neb. Ct. R. § 3-315, knowingly does not contest the allegations, and waives related proceedings may have the surrender accepted and an order of disbarment entered.
2. Feller should be disbarred from the practice of law in Nebraska effective immediately, must comply with Neb. Ct. R. § 3-316, and must pay costs and expenses as ordered under the cited statutes and disciplinary rules.

KEY QUOTATIONS

> *"The court accepts respondent's voluntary surrender of his license, finds that respondent should be disbarred, and hereby orders him disbarred from the practice of law in the State of Nebraska, effective immediately."* (463)

FACTUAL BACKGROUND

Feller had been admitted to practice law in Nebraska since July 2, 1976. A grievance filed against him alleged that he misappropriated client funds. Feller voluntarily surrendered his license, knowingly declined to contest the allegations, waived further proceedings, and consented to immediate disbarment.

PROCEDURAL HISTORY

After a grievance alleging misappropriation of client funds was filed, John D. Feller voluntarily surrendered his license and stated that he did not contest the allegations. He waived notice, appearance, and hearing and consented to immediate disbarment. The Nebraska Supreme Court accepted the surrender and entered judgment of disbarment.

DISPOSITION

other

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