

SUPREME COURT OF WYOMING

Board of Professional Responsibility v. Haderlie

353 P.3d 260 (Wyo. 2015) · No. D-15-0008 · Decided July 2, 2015

SUMMARY

The Wyoming Supreme Court approved and adopted the Board of Professional Responsibility's recommendation that Nicholas T. Haderlie receive a public censure for conduct arising from an alcohol-related driving incident, interference with peace officers, and related criminal convictions. The nunc pro tunc order clarified that Haderlie was required to remain compliant with his monitoring agreement and ordered him to pay \$550 in costs and administrative fees.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	B. James Burke, Chief Justice
JURISDICTION	Wyoming
DECIDED	July 2, 2015
DOCKET	D-15-0008
DISPOSITION	approved
PROCEDURAL POSTURE	The Wyoming Supreme Court reviewed the Wyoming State Bar Board of Professional Responsibility's report and recommendation for stipulated public censure and issued an order nunc pro tunc clarifying and amending the prior public-censure order.
STANDARD OF REVIEW	The Court independently reviewed the Board of Professional Responsibility's report and recommendation and the disciplinary file; no deferential standard of review was stated.
PRECEDENTIAL VALUE	Published disciplinary order with limited value beyond the disposition of the attorney-discipline matter

TOPICS

agency adjudication administrative law judicial review of agency action

PRACTICE AREAS

legal ethics attorney discipline professional responsibility administrative law

QUESTIONS PRESENTED

1. Whether the Board of Professional Responsibility's stipulated recommendation for public censure should be approved and adopted.
2. Whether Haderlie should be required to remain compliant with his Wyoming Professional Assistance Program monitoring agreement.
3. Whether Haderlie should be ordered to pay the Wyoming State Bar's administrative fee and costs.

HOLDINGS

1. The Court approved, confirmed, and adopted the Board of Professional Responsibility's Report and Recommendation for Public Censure and publicly censured Haderlie for conduct violating his professional duties.
2. The order required Haderlie to remain compliant with his Wyoming Professional Assistance Program monitoring agreement, while providing that any failure to comply would be addressed through further disciplinary proceedings.
3. The Court ordered Haderlie to reimburse the Wyoming State Bar \$50 in costs and pay a \$500 administrative fee.

KEY QUOTATIONS

“The Court, after a careful review of the Board of Professional Responsibility's Report and Recommendation, and the file, finds that the Report and Recommendation should be approved, confirmed, and adopted by the Court, and that Respondent Nicholas T. Haderlie should be publicly censured for his conduct.” (353 P.3d at 260)

“provided that, in the event Respondent fails to remain compliant with his monitoring agreement with the Wyoming Professional Assistance Program, such failure shall be addressed, if at all, through further disciplinary proceedings pursuant to the Rules of Disciplinary Procedure” (353 P.3d at 260)

FACTUAL BACKGROUND

Haderlie, a Wyoming lawyer, was arrested after driving while highly intoxicated, crashing into an airport gate, leaving the scene, resisting arrest, and interfering with law enforcement. His blood alcohol level was reported as .27, and one officer sustained a thumb sprain during the arrest. Haderlie promptly reported the incident, completed residential alcohol treatment, entered a monitoring agreement, complied with his criminal sentence, and stipulated to public censure.

PROCEDURAL HISTORY

The Board filed its Report and Recommendation for Public Censure on June 28, 2015, based on Respondent Nicholas T. Haderlie's stipulated violations of Wyoming Rules of Professional Conduct 8.4(b) and 8.4(d). The Supreme Court approved, confirmed, and adopted the Board's recommendation, publicly censured Haderlie, imposed monitoring-related conditions, and ordered payment of \$550 in costs and administrative fees. The order clarified and amended the prior order of public censure by requiring compliance with Haderlie's Wyoming Professional Assistance Program monitoring agreement.

DISPOSITION

approved

CASES CITED

- Bd. of Prof. Resp. v. Stinson, 337 P.3d 401, 420 (Wyo. 2014)

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