

NEBRASKA SUPREME COURT

State ex rel. Counsel for Dis. v. Owen

311 Neb. 403 (2022) · No. No. S-21-538 · Decided April 15, 2022

SUMMARY

The Nebraska Supreme Court approved James A. Owen’s conditional admission to attorney-discipline charges arising from his representation of a client in family-law and appellate matters. The court found violations involving competence, diligence, communications, fees, misconduct, and the attorney’s oath of office, including failure to pursue an appeal and falsification of a purported court order. The court suspended Owen from practicing law for six months and imposed related compliance and cost obligations.

CASE DETAILS

COURT	Nebraska Supreme Court
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	April 15, 2022
DOCKET	No. S-21-538
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline action based on the respondent's conditional admission of formal disciplinary charges.
STANDARD OF REVIEW	The court reviewed the conditional admission for approval under Neb. Ct. R. § 3-313(B) and determined the appropriate discipline.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court disciplinary judgment

TOPICS

[remedies](#)[appellate procedure](#)[family law procedure](#)

PRACTICE AREAS

[attorney discipline](#)[professional responsibility](#)[family law](#)

QUESTIONS PRESENTED

1. Whether the court should approve the respondent's conditional admission of violations of the Nebraska Rules of Professional Conduct and his attorney's oath.
2. Whether a six-month suspension from the practice of law was appropriate discipline for the admitted misconduct.

HOLDINGS

1. The court approved the conditional admission because Owen knowingly did not challenge or contest the conditionally admitted matters and waived proceedings against him in connection with those matters.
2. The court determined that Owen's admitted conduct violated the professional conduct rules governing competence, diligence, communications, fees, and misconduct, as well as his oath of office as an attorney licensed in Nebraska.
3. A six-month suspension from the practice of law was appropriate, subject to compliance with Nebraska's disciplinary rules and payment of 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.” (at 407)

“The respondent is suspended from the practice of law for a period of 6 months.” (at 408)

FACTUAL BACKGROUND

Owen represented J.D. in proceedings involving modification of a divorce decree, child support, contempt, and an appeal. He failed to complete appellate filings, failed to notify J.D. of the remand, did not provide itemized bills, and engaged in other alleged competence, diligence, communication, and fee violations. In a second count, he falsely represented that documents and a motion had been filed, provided a falsified ex parte order bearing a judge's signature and filing information, and misrepresented a scheduled hearing. Owen conditionally admitted the charged violations and waived further proceedings.

PROCEDURAL HISTORY

The Counsel for Discipline filed formal charges against James A. Owen alleging violations arising from his representation of a client in divorce-modification, child-support, contempt, and related proceedings. After the Committee on Inquiry found reasonable grounds for discipline and determined that the public interest would be served by formal charges, Owen filed a conditional admission under Neb. Ct. R. § 3-313(B), waived further proceedings, and agreed to a six-month suspension. The Nebraska Supreme Court approved the conditional admission and entered judgment of suspension.

DISPOSITION

other

