

NEBRASKA SUPREME COURT

State ex rel. Counsel for Discipline of the Nebraska Supreme Court v.
James D. Hamilton

321 Neb. 635 (2026) · No. S-26-440 · Decided June 18, 2026

SUMMARY

The Nebraska Supreme Court accepted James D. Hamilton’s voluntary surrender of his law license and entered a judgment of disbarment. The surrender followed allegations that Hamilton made false statements and fabricated correspondence and judicial decisions while representing a client; he did not contest the allegations and waived further proceedings.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Per Curiam; Funke, C.J.; Cassel, J.; Papik, J.; Freudenberg, J.; Bergevin, J.; Vaughn, J.
JURISDICTION	Nebraska Supreme Court
DECIDED	June 18, 2026
DOCKET	S-26-440
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline action based on the respondent's voluntary surrender of his license to practice law.
PRECEDENTIAL VALUE	Published opinion
PARTIES	State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. James D. Hamilton

TOPICS

- contempt
- costs
- remedies
- civil procedure

PRACTICE AREAS

- legal ethics and professional responsibility
- attorney discipline

QUESTIONS PRESENTED

1. Whether the court should accept Hamilton's voluntary surrender of his license under Neb. Ct. R. § 3-315.
2. Whether Hamilton should be disbarred upon his voluntary surrender and consent to disbarment.
3. What costs, expenses, and post-disbarment compliance obligations should be imposed.

HOLDINGS

1. The court accepted Hamilton's voluntary surrender because he knowingly did not challenge or contest the allegations and waived all proceedings connected with them, as required by the disciplinary rule.
2. The court ordered Hamilton disbarred from the practice of law in Nebraska, effective immediately.
3. Hamilton was required to comply with Neb. Ct. R. § 3-316 and to pay costs and expenses as ordered under the cited statutes and disciplinary rules; failure to comply with the rule could subject him to contempt.

KEY QUOTATIONS

“Upon due consideration, the court accepts the respondent’s voluntary surrender of his license to practice law, finds that the respondent should be disbarred, and hereby orders him disbarred from the practice of law in the State of Nebraska, effective immediately.” (637)

FACTUAL BACKGROUND

James D. Hamilton was admitted to practice law in Nebraska in 2000 and practiced in Lincoln. The proposed disciplinary complaint arose from his representation of a client, during which he allegedly made false statements and fabricated correspondence and judicial decisions. Hamilton voluntarily surrendered his license, did not challenge the truth of the allegations, waived notice, appearance, and a hearing, and consented to disbarment.

PROCEDURAL HISTORY

The Counsel for Discipline sent Hamilton a proposed disciplinary complaint alleging that he made false statements and fabricated correspondence and judicial decisions while representing a client. After reviewing the complaint with counsel, Hamilton voluntarily surrendered his license, knowingly declined to challenge the allegations, waived further proceedings, and consented to disbarment. The Nebraska Supreme Court accepted the surrender and entered judgment of disbarment.

DISPOSITION

other

OPINION

PER CURIAM.

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REL. COUNSEL FOR DIS. v. HAMILTON Cite as 321 Neb. 635 State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court, relator, v. James D. Hamilton, respondent. ___ N.W.3d ___ Filed June 18, 2026.

No. S-26-440. Original action. Judgment of disbarment. Funke, C.J., Cassel, Papik, Freudenberg, Bergevin, and Vaughn, JJ. Per Curiam. INTRODUCTION This case is before the court on the voluntary surrender of license filed by the respondent, James D. Hamilton, on June 1, 2026.

The court accepts the respondent's voluntary surrender of his license to practice law and enters a judgment of disbarment. STATEMENT OF FACTS The respondent was admitted to the practice of law in the State of Nebraska on September 19, 2000. At all times relevant to these proceedings, the respondent was engaged in the practice of law in Lincoln, Nebraska. Pursuant to Neb. Ct.

R. § 3-302, the respondent is under the jurisdiction of the Committee on Inquiry of the First Judicial District. On June 1, 2026, the respondent filed a voluntary surrender of his license to practice law. Relevant facts are set forth in the voluntary surrender and a document attached to it and incorporated by reference.

On - 636 - Nebraska Supreme Court Advance Sheets 321 Nebraska Reports STATE EX REL. COUNSEL FOR DIS. v. HAMILTON Cite as 321 Neb. 635 March 16, 2026, the Counsel for Discipline of the Nebraska Supreme Court, the relator, sent to the respondent a proposed disciplinary complaint.

The complaint arose from the respondent's representation of a client, during which he made false statements and fabricated correspondence and judicial decisions. The complaint alleged that by his actions, the respondent violated his oath of office as an attorney licensed to practice law in the State of Nebraska, as provided by Neb. Rev. Stat. § 7-104 (Reissue 2022), and violated several provisions of the Nebraska Rules of Professional Conduct.

After reviewing the complaint with counsel, the respondent filed a voluntary surrender of his license to practice law. The respondent states that for purposes of this voluntary surrender, he knowingly does not challenge or contest the truth of the allegations set forth in the complaint against him.

The respondent freely and voluntarily consents to the entry of an order of disbarment and voluntarily waives his right to notice, appearance, or hearing prior to the entry of disbarment. ANALYSIS Neb. Ct. R. § 3-315 of the disciplinary rules provides in pertinent part: (A) Once a Grievance, a Complaint, or a Formal Charge has been filed, suggested, or indicated against a member, the member may voluntarily surrender his or her license.

(1) The voluntary surrender of license shall state in writing that the member knowingly admits or knowingly does not challenge or contest the truth of the suggested or indicated Grievance,

Complaint, or Formal Charge and waives all proceedings against him or her in connection therewith. Pursuant to § 3-315 of the disciplinary rules, we find that the respondent has voluntarily surrendered his license to practice law and knowingly does not challenge or contest the truth of the allegations made against him.

Further, the respondent has - 637 - Nebraska Supreme Court Advance Sheets 321 Nebraska Reports STATE EX REL. COUNSEL FOR DIS. v. HAMILTON Cite as 321 Neb. 635 waived all proceedings against him in connection therewith.

We further find that the respondent has consented to the entry of an order of disbarment. CONCLUSION Upon due consideration, the court accepts the respondent's voluntary surrender of his license to practice law, finds that the respondent should be disbarred, and hereby orders him disbarred from the practice of law in the State of Nebraska, effective immediately.

The respondent shall forthwith comply with all terms of Neb. Ct. R. § 3-316 (rev. 2014) of the disciplinary rules, and upon failure to do so, he shall be subject to punishment for contempt of this court. Accordingly, the respondent is directed to pay costs and expenses in accordance with Neb. Rev. Stat. §§ 7-114 and 7-115 (Reissue 2022) and Neb. Ct. R. §§ 3-310(P) (rev.

2023) and 3-323 of the disciplinary rules within 60 days after an order imposing costs and expenses, if any, is entered by the court. Judgment of disbarment. Stacy, J., not participating.