

NEBRASKA SUPREME COURT

State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Mark D. Kratina, Sr.

311 Neb. 280 (2022) · No. No. S-21-686 · Decided March 25, 2022

SUMMARY

The Nebraska Supreme Court accepted Mark D. Kratina, Sr.'s voluntary surrender of his law license and entered an immediate judgment of disbarment. The disbarment followed admitted misappropriation of client funds, false statements concerning trust-account funds, and related disciplinary violations. The court imposed special conditions, including a bar on seeking readmission, and overruled as moot his motion to terminate proceedings.

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	March 25, 2022
DOCKET	No. S-21-686
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding arising from the respondent's voluntary surrender of his Nebraska law license and motion to terminate proceedings.
PRECEDENTIAL VALUE	Published, precedential Nebraska Supreme Court opinion

TOPICS

[civil procedure](#) [costs](#) [contempt](#) [remedies](#)

PRACTICE AREAS

[attorney discipline](#) [legal ethics](#) [professional responsibility](#)

QUESTIONS PRESENTED

1. Whether the court should accept Kratina's voluntary surrender of his license under Neb. Ct. R. § 3-315.

2. Whether the court should enter an immediate judgment of disbarment and impose the proposed special conditions.
3. Whether Kratina's motion to terminate the disciplinary proceedings should be granted.

HOLDINGS

1. The court accepted Kratina's voluntary surrender because he knowingly did not challenge or contest the allegations and waived all proceedings against him in connection with them.
2. The court entered an immediate judgment disbarring Kratina from the practice of law in Nebraska and imposed the special conditions stated in the order.
3. The motion to terminate proceedings was overruled as moot.

KEY QUOTATIONS

“Upon due consideration, the court accepts the respondent’s voluntary surrender of his license, finds that the respondent should be disbarred, and hereby orders him disbarred from the practice of law in the State of Nebraska, effective immediately.” (283)

FACTUAL BACKGROUND

Mark D. Kratina had practiced law in Nebraska since 1976 and was temporarily suspended in September 2021. He acknowledged that, without client knowledge or consent, he withdrew and misappropriated client funds and later made false statements about maintaining those funds in his trust account. He also failed to produce requested trust-account records during an audit. Kratina had previously been publicly reprimanded and suspended for unrelated trust-account or client-advance misconduct.

PROCEDURAL HISTORY

The Counsel for Discipline initiated disciplinary proceedings after allegations that Kratina misappropriated client funds and made false statements concerning those funds. Kratina had been temporarily suspended, then voluntarily surrendered his license, knowingly declined to contest the allegations, waived further proceedings, and consented to immediate disbarment. The Nebraska Supreme Court accepted the surrender, entered judgment of disbarment, and overruled the motion to terminate proceedings as moot.

DISPOSITION

other