

SUPREME COURT OF KANSAS

In the Matter of Joseph C. Minneman

196 P.3d 1156 (Kan. 2008) · No. No. 100,187 · Decided December 5, 2008

SUMMARY

The Kansas Supreme Court reviewed a disciplinary proceeding against Joseph C. Minneman, who had been convicted in federal court of conspiracy to commit income tax fraud and disbarred in Illinois. The court adopted findings that he violated Kansas professional-conduct rules by engaging in dishonest criminal conduct and failing to report his conviction and Illinois disbarment, and ordered his disbarment in Kansas.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Kansas
DECIDED	December 5, 2008
DOCKET	No. 100,187
DISPOSITION	other
PROCEDURAL POSTURE	Contested original attorney-discipline proceeding arising from the respondent's federal conviction and Illinois disbarment; the respondent filed exceptions to the Kansas hearing panel's recommendation of disbarment.
STANDARD OF REVIEW	The Supreme Court considers the evidence, the hearing panel's findings, and the parties' arguments to determine whether violations exist and what discipline should be imposed. Attorney misconduct must be established by substantial, clear, convincing, and satisfactory evidence.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Office of the Disciplinary Administrator v. Joseph C. Minneman

TOPICS

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PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

tax crimes

QUESTIONS PRESENTED

1. Whether Kansas could discipline Minneman based on misconduct occurring in Illinois and established by his federal conviction and Illinois disbarment.
2. Whether the hearing panel's findings that Minneman violated KRPC 8.4(b), KRPC 8.4(c), KRPC 8.3(a), and Supreme Court Rule 207(c) were supported by the required evidentiary standard.
3. Whether disbarment was the appropriate discipline.

HOLDINGS

1. Under Supreme Court Rule 202, a final adjudication in another jurisdiction that a lawyer committed misconduct conclusively establishes that misconduct for purposes of a Kansas disciplinary proceeding; the respondent may not collaterally challenge the underlying conviction or disbarment.
2. The hearing panel's findings and conclusions that Minneman violated KRPC 8.4(b), KRPC 8.4(c), KRPC 8.3(a), and Supreme Court Rule 207(c) were supported by substantial, clear, convincing, and satisfactory evidence.
3. Disbarment is the appropriate discipline for Minneman's egregious misconduct involving a federal conspiracy to commit income tax fraud, resulting conviction and imprisonment, Illinois disbarment, and failure to report the conviction and disbarment in Kansas.

KEY QUOTATIONS

“Supreme Court Rule 202 and Kansas precedent do not permit us to look behind Trester's convictions.”
(1161)

“We conclude that disbarment is the appropriate discipline to be imposed herein.” (1162)

FACTUAL BACKGROUND

In 1997, Minneman was convicted in federal court in Illinois of conspiring with a client to conceal more than \$700,000 in income from the IRS. He was sentenced to 30 months in prison and ordered to pay restitution, and the Seventh Circuit affirmed his conviction. Illinois later disbarred him, but he did not report either the conviction or the Illinois disbarment to Kansas disciplinary authorities, instead registering as an inactive Kansas attorney. When confronted, Minneman admitted he probably should have reported the matters.

PROCEDURAL HISTORY

The Kansas Disciplinary Administrator filed a formal complaint on August 2, 2007, alleging reciprocal discipline and violations arising from Minneman's failure to report his federal conviction and Illinois disbarment. A hearing panel of the Kansas Board for Discipline of Attorneys found violations of KRPC 8.4(b), KRPC 8.4(c), KRPC 8.3(a), and Supreme Court Rule 207(c), and unanimously recommended disbarment. Minneman filed a

purported Rule 212 bill of exceptions, which did not specifically except to any portion of the hearing report. The Supreme Court of Kansas adopted the panel's findings and conclusions and ordered disbarment.

DISPOSITION

other

CASES CITED

- United States v. Minneman, 143 F.3d 274, 277 (7th Cir. 1998)
- In re Trester, 285 Kan. 404, 408, 411, 172 P.3d 31 (2007)
- State v. Russo, 230 Kan. 5, 8, 630 P.2d 711 (1981)
- In re Comfort, 284 Kan. 183, 190, 159 P.3d 1011 (2007)
- In re Lober, 276 Kan. 633, 636, 78 P.3d 442 (2003)

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