

NEBRASKA SUPREME COURT

State ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Rodney A. Halstead

300 Neb. 69 (2018) · No. S-17-530 · Decided May 25, 2018

SUMMARY

The Nebraska Supreme Court accepts Rodney A. Halstead's voluntary surrender of his law license and enters a judgment of disbarment. The court states that Halstead knowingly did not contest allegations involving conflicts of interest, conversion of client funds, and failure to refund unearned fees. Disbarment is effective immediately, with compliance and cost-payment requirements imposed.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Per Curiam; Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Funke, J.
JURISDICTION	Nebraska
DECIDED	May 25, 2018
DOCKET	S-17-530
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline action based on the respondent's voluntary surrender of his license to practice law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court v. Rodney A. Halstead

TOPICS

remedies contempt costs civil procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether the court should accept Halstead's voluntary surrender of his law license under Neb. Ct. R. § 3-315.
2. Whether the court should enter a judgment of disbarment and impose related compliance and costs obligations.

HOLDINGS

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

KEY QUOTATIONS

“The court accepts the respondent’s voluntary surrender of his license and enters a judgment of disbarment.”
(at 69)

“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.” (at 71)

FACTUAL BACKGROUND

Rodney A. Halstead was admitted to practice law in Nebraska in 1991. Formal charges alleged that he had conflicts of interest with multiple clients, entered business relationships with clients without adequate protections, converted client funds before completing work, and failed to refund unearned fees. After a prior one-year suspension, Halstead voluntarily surrendered his license and stated that he knowingly did not contest the allegations.

PROCEDURAL HISTORY

Formal disciplinary charges had been filed against Halstead, and the Nebraska Supreme Court had previously suspended his license for one year. Halstead then filed a voluntary surrender of his license, admitting that he did not contest the allegations and waiving further proceedings. The Nebraska Supreme Court accepted the surrender and entered a judgment of disbarment.

DISPOSITION

other

CASES CITED

- State ex rel. Counsel for Dis. v. Halstead, 298 Neb. 149, 902 N.W.2d 701 (2017)

OPINION

State ex rel. Counsel for Dis. v. Halstead

300 Neb. 69

PER CURIAM.

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Cite as 300 Neb. 69 State of Nebraska ex rel. Counsel for Discipline of the Nebraska Supreme Court, relator, v. Rodney A. Halstead, respondent. ___ N.W.2d ___ Filed May 25, 2018. No. S-17-530. Original action. Judgment of disbarment. Heavican, C.J., Miller-Lerman, Cassel, Stacy, and Funke, JJ. Per Curiam.

INTRODUCTION

This case is before the court on the voluntary surrender of license filed by the respondent, Rodney A. Halstead, on February 15, 2018. The court accepts the respondent's voluntary surrender of his license 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 25, 1991. On November 3, 2017, we suspended the respondent's license to practice law in the State of Nebraska for 1 year. State ex rel. Counsel for Dis. v. Halstead, 298 Neb. 149, 902 N.W.2d 701 (2017). On February 15, 2018, the respondent filed a voluntary surrender of license to practice law, in which he stated that on May 23, 2017, formal charges were filed against him by the Counsel for Discipline alleging that he had a conflict of - 70 - Nebraska Supreme Court Advance Sheets 300 Nebraska Reports

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Cite as 300 Neb. 69 interest with multiple clients when he entered into a business relationship with them without proper protections for the clients, that he converted client funds before completing any work for a client, and that he failed to refund the unearned portion of the client funds when his representation was terminated.

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 suggested allegations made against him. Further, the

respondent has 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 of the court file in this matter, the court finds that the respondent has stated that he freely, knowingly, and voluntarily admits that he does not contest the allegations being made against him. 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 - 71 - Nebraska Supreme Court Advance Sheets 300 Nebraska Reports STATE EX REL. COUNSEL FOR DIS. v. HALSTEAD

Cite as 300 Neb. 69 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 2012) and Neb. Ct. R. §§ 3-310(P) (rev. 2014) 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. Wright, J., not participating.