

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)

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