

Recent Developments in Ethics & Disciplinary Actions.

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Nebraska Supreme Court

Nebraska Supreme Court



State ex rel. Counsel for Dis. v. Stuart B. Mills

267 Neb. 57, 671 N.W.2d 765 (2003)

Two-Year Suspension



It is critical that in the event [the IRS agent] calls any of your children that they tell her they were in Wisner on March 25, 1999 and signed the renunciation (disclaimer) in my presence.

State ex rel. Counsel for Dis. v. Roger R. Holthaus

268 Neb. 313, 686 N.W.2d 570 (2004)

Six-Month Suspension

Holy Name Catholic Church



State ex rel. Counsel for Dis. v. Douglas D. Palik

284 Neb. 353, 820 N.W.2d 862 (2012)

One-Year Suspension



State ex rel. Counsel for Dis. v. Rodney A. Halstead

298 Neb. 149, 902 N.W.2d 701 (2017)

One-Year Suspension



Appointed as Guardian in August 2009.

Annual reports required.

2010 & 2011: “I have seen [the ward] about once a month [and] check via phone more often.”

2012 – 2014: “I have been kept updated mostly by telephone.”

2015: “updated by telephone.”

In fact, Halstead had not visited the ward or spoken to anyone at the ward’s assisted living facility since 2009. If he had, he would have learned that the ward had moved out of the assisted living facility in 2011.

State ex rel. Counsel for Dis. v. Rodney A. Halstead

300 Neb. 69, 912 N.W.2d 240 (2018)

Voluntary Surrender – Disbarment



Halstead had clients transfer money to him personally on the assurances that he would place the money in a bank account solely in his name and issue the client a Promissory Note for repayment in installments without bearing interest. There was no separate business agreement with those clients.

Between 2015 and 2016, at least three separate clients were found to be ineligible for Medicaid due to the Promissory Note executed by Halstead. The loans were determined to be a “legal fiction designed to convert countable Medicaid resources into income”.



Halstead went to the home of J.H., a terminally ill woman in hospice, to discuss transfer upon death documents regarding her home. During that meeting, J.H. agreed to have Halstead prepare a trust, for which Halstead charged J.H. \$4300. J.H. wrote a check to Halstead that day for the full amount of \$4300. Client tried to cancel the next day. Halstead ignored her calls.

Michael Kozlik 307 Neb. 339 (9-25-20)

Iowa —



Disbarment

Misappropriation of Funds

Aunt Frances and Uncle Duane



Paul Galter 305 Neb. 108 (2-21-20)



Disbarment



Misappropriation of Client Funds

Nancy Waldron 307 Neb. 343 (9-25-20)



Disbarment



Misappropriation of Client Funds

Gary R. Pearson 310 Neb. 256 (2021)

18-Month Suspension

Unreasonable Fees





David Wysong
October 27, 2018 – Age 84

David Wysong Estate

Probate assets: \$ 100,268

Nonprobate assets: \$1,252,644

Total Estate Value: \$1,352,912

Attorney fee: \$ 46,426

PR fee: \$ 18,571

Total fees: \$ 64,997



Estate of Gary Truax, valued at \$268,000.

Fisher Center for Alzheimer's Research Foundation of New York.
Pearson prepared will in which he was named as PR and attorney.
Attorney fee of 5% (\$13,317) and a PR fee of 5% (\$13,317).
Combined fees of \$26,634, or 10% of a very simple estate.



United Latvian Evangelical Lutheran Church

Estates of Janis and Valda Jaunzemis.

Janis' estate value: \$50,000; attorney fee \$10,000

Valda's estate value: \$680,000; attorney fee 4.4%

Beneficiaries: 4 Latvian charities

Simple estates, PR did most of the work.



In Count IV, Pearson was charged with violating the trust account rules because he maintained a slush fund or cushion of \$2,000 of his money in his client trust account.