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admission of respondent, the recommendation of the Counsel for Discipline, and our independent review of the record, we find by clear and convincing evidence that respondent has violated the Nebraska Rules of Professional Conduct that are comparable to the rules respondent violated in Iowa and that respondent should be and hereby is suspended from the practice of law in Nebraska for 60 days applied retroactively to February 18, 2011, the date of discipline in Iowa. Respondent shall comply with Neb. Ct. R. § 3-316 of the disciplinary rules, and upon failure to do so, he shall be subject to punishment for contempt of this court. Respondent shall be eligible to be reinstated to the practice of law in the State of Nebraska on the day after the 60-day suspension period expires, provided that respondent has paid all costs and expenses in accordance with Neb. Rev. Stat. §§ 7-114 and 7-115 (Reissue 2007) and Neb. Ct. R. §§ 3-310(P) and 3-323(B) of the disciplinary rules within 60 days after an order imposing costs and expenses, if any, is entered by the court. In order to effectuate reinstatement, relator and respondent are ordered to submit a proposed order of reinstatement, signed by both parties, stating that respondent has complied with § 3-316 of the disciplinary rules and paid all costs and expenses, and that the parties are in agreement that reinstatement is therefore warranted.

JUDGMENT OF SUSPENSION.

WRIGHT, J., not participating.

STATE OF NEBRASKA EX REL. COUNSEL FOR DISCIPLINE OF THE NEBRASKA SUPREME COURT, RELATOR, V. BARBARA A. FERGUSON, RESPONDENT.

795 N.W.2d 291

Filed April 8, 2011. No. S-11-227.

Original action. Judgment of disbarment.

HEAVICAN, C.J., CONNOLLY, GERRARD, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

INTRODUCTION

This case is before the court on the voluntary surrender of license filed by respondent, Barbara A. Ferguson, on March 18, 2011. The court accepts respondent's surrender of her license and enters an order of disbarment.

STATEMENT OF FACTS

Respondent was admitted to the practice of law in the State of Nebraska on September 24, 1996. On October 6, 2010, the Counsel for Discipline of the Nebraska Supreme Court received a grievance from the individual who replaced respondent as a guardian and conservator in a matter pending in the county court for Sarpy County. The grievance alleged that while respondent was serving as guardian and conservator in the same matter, she had misappropriated funds of her ward. At the time respondent filed her voluntary surrender on March 18, 2011, the Counsel for Discipline was investigating respondent for possible misuse of funds that were held in her client trust account. Respondent has entered into a court-approved settlement agreement with the successor guardian and conservator, agreeing to repay the funds, and respondent has already repaid a substantial portion of the funds.

On March 18, 2011, the Counsel for Discipline filed with this court a motion to accept respondent's voluntary surrender. Submitted simultaneously with the motion to accept respondent's voluntary surrender is a document signed by respondent surrendering her license to practice law in the State of Nebraska. In addition to surrendering her license, respondent does not challenge or contest the truth of the allegations made against her, consents to the entry of an order of disbarment, and waives her right to notice, appearance, and hearing prior to the entry of the order of disbarment.

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 respondent has voluntarily surrendered her license to practice law and knowingly does not challenge or contest the truth of the allegations made against her. Further, respondent has waived all proceedings against her in connection therewith. We further find that 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 respondent has stated that she freely, knowingly, and voluntarily does not contest the allegations that she misappropriated her ward's funds and misused funds held in her client trust account. The court grants the relator's motion to accept respondent's voluntary surrender, accepts respondent's voluntary surrender of her license to practice law, finds that respondent should be disbarred, and hereby orders her disbarred from the practice of law in the State of Nebraska, effective immediately. Respondent shall forthwith comply with all terms of Neb. Ct. R. § 3-316 of the disciplinary rules, and upon failure to do so, she shall be subject to punishment for contempt of this court. Accordingly, respondent is directed to pay costs and expenses in accordance with Neb. Rev. Stat. §§ 7-114 and 7-115 (Reissue 2007) and Neb. Ct. R. §§ 3-310(P) 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.