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(7) The monitoring attorney shall submit a quarterly compliance report to the Counsel for Discipline;

(8) Respondent will review with the monitoring attorney respondent's office practices, and respondent will continue to work to develop efficient office procedures that protect the clients' interests; and

(9) Respondent agrees not to violate the Nebraska Rules of Professional Conduct.

## CONCLUSION

We find that respondent violated conduct rule § 3-501.1 and his oath of office as an attorney. See § 7-104. It is the judgment of this court that respondent should be and hereby is publicly reprimanded. It is the further judgment of this court that respondent shall be placed on monitored probation for a period of 2 years, subject to the terms set forth above. Respondent is directed to pay costs and expenses in accordance with Neb. Rev. Stat. § 7-114 (Reissue 2007), as well as § 3-310(P) and Neb. Ct. R. § 3-323 within 60 days after an order imposing costs and expenses, if any, is entered by this court.

JUDGMENT OF PUBLIC REPRIMAND.

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

812 N.W.2d 282

Filed April 6, 2012. No. S-11-070.

Original action. Judgment of disbarment.

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

PER CURIAM.

## INTRODUCTION

This case is before the court on the voluntary surrender of license filed by respondent, Bart A. Chavez, on February 22,

2012. The court accepts respondent's voluntary surrender of his license and enters an order of disbarment.

## STATEMENT OF FACTS

Respondent was admitted to the practice of law in the State of Kansas on April 26, 1991, and in the State of Nebraska on September 8, 1992. In 1997, respondent sought and obtained permission to transfer his license in Kansas to inactive status.

In considering whether to accept respondent's voluntary surrender tendered in the current case, we refer initially to prior disciplinary matters which are of public record. Respondent was previously disciplined by this court. *State ex rel. Counsel for Dis. v. Chavez*, 279 Neb. 183, 776 N.W.2d 791 (2010). On July 1, 2009, the Counsel for Discipline of the Nebraska Supreme Court filed a motion for reciprocal discipline pursuant to Neb. Ct. R. § 3-321. On May 4, 2009, respondent had received a public censure from the U.S. Department of Justice Executive Office for Immigration Review (EOIR) "for having engaged in contumelious or otherwise obnoxious conduct while representing a client before an immigration court." *Chavez*, 279 Neb. at 184, 776 N.W.2d at 792. Respondent had engaged in three confrontational telephone conversations with an immigration court administrator using offensive and disrespectful language directed at the administrator and the court. *Chavez, supra.*

The motion for reciprocal discipline alleged that respondent's actions resulting in the public censure from the EOIR constituted a violation of the following provisions of the Nebraska Rules of Professional Conduct: Neb. Ct. R. of Prof. Cond. §§ 3-504.4 (respect for rights of third persons) and 3-508.4 (misconduct). *Chavez, supra.* On July 1, 2009, respondent filed a conditional admission under Neb. Ct. R. § 3-313, in which he knowingly did not challenge or contest the facts set forth in the motion for reciprocal discipline and waived all proceedings against him in connection therewith. *Chavez, supra*. Upon due consideration, the court approved the conditional admission and found that respondent had violated §§ 3-504.4 and 3-508.4. Accordingly, respondent was

publicly reprimanded and directed to pay all costs in the case. *Chavez, supra*.

On July 23, 2010, the office of the Disciplinary Administrator of the Kansas Supreme Court filed a formal complaint against respondent alleging violations of the Kansas Rules of Professional Conduct. *In re Chavez*, 292 Kan. 45, 251 P.3d 628 (2011). The allegations were based on the same actions of respondent discussed above that resulted in a public censure from the EOIR and a public reprimand from the Nebraska Supreme Court. A hearing was held before a panel of the Kansas Board for Discipline of Attorneys, and the hearing panel determined that respondent had violated the following Kansas Rules of Professional Conduct: "3.5(d) (2010 Kan. Ct. R. Annot. 557) (engaging in undignified or discourteous conduct degrading to a tribunal) and 8.4(d) (2010 Kan. Ct. R. Annot. 603) (engaging in conduct prejudicial to the administration of justice)." *In re Chavez*, 292 Kan. at 45, 251 P.3d at 629. On April 11, 2011, the Kansas Supreme Court found the evidence supported the panel's determinations and ordered that respondent be disciplined by public censure and ordered costs of the proceedings be assessed to respondent. *In re Chavez, supra*.

The current case commences on January 25, 2011, on which date the Committee on Inquiry of the Fourth Disciplinary District filed an application to place respondent on disability inactive status. Respondent did not object to the application. On January 27, this court ordered that respondent be placed on disability inactive status pursuant to Neb. Ct. R. § 3-311 until further order of the court.

On February 16, 2012, the Counsel for Discipline filed a motion to appoint a trustee to take custody of the files and trust account of respondent. On February 23, upon respondent's request that Subhash Chandra be appointed as trustee, this court sustained the motion and appointed Chandra as trustee.

On February 22, 2012, respondent filed a voluntary surrender in which he admitted that the Counsel for Discipline is investigating a number of grievances that have been filed against him. Respondent further stated that he freely,

knowingly, and voluntarily chose not to contest the truth of the allegations being made against him in the current case. He further stated that he freely, knowingly, and voluntarily surrendered his privilege to practice law in the State of Nebraska. Respondent further stated that he freely, knowingly, and voluntarily waived his right to notice, appearance, or hearing prior to the entry of an order of disbarment and consented to the entry of an immediate 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 his license to practice law and knowingly does not challenge or contest the truth of the allegations made against him. Further, respondent has waived all proceedings against him 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 he freely, knowingly, and voluntarily admits that he does not contest the allegations being made against him. The court accepts respondent's voluntary surrender of his license to practice law, finds that respondent should be disbarred, and hereby orders him 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, he 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.

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STATE OF NEBRASKA EX REL. COUNSEL FOR DISCIPLINE OF THE NEBRASKA SUPREME COURT, RELATOR, V. JEREMY R. SHIRK, ALSO KNOWN AS JEREMY R. MUCKEY-SHIRK, RESPONDENT.

810 N.W.2d 749

Filed April 6, 2012. No. S-12-012.

Original action. Judgment of disbarment.

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

PER CURIAM.

## INTRODUCTION

This case is before the court on the voluntary surrender of license filed by respondent, Jeremy R. Shirk, also known as Jeremy R. Muckey-Shirk, on January 9, 2012. The court accepts respondent's voluntary surrender of his license and enters an order of disbarment.

## STATEMENT OF FACTS

Respondent was admitted to the practice of law in the State of Nebraska on June 16, 2010. On January 9, 2012, respondent filed a voluntary surrender in which he admitted that the Counsel for Discipline of the State of Nebraska is investigating three grievances that have been filed against him alleging that respondent has neglected the affairs of various clients. Respondent further stated that he freely, knowingly, and voluntarily chose not to contest the truth of the allegations being