

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

FILED

DEC 19 2007

State of Nebraska ex rel.)
 Counsel for Discipline of the)
 Nebraska Supreme Court,)
)
 Relator,)
)
 v.)
)
 John F. Eker, III,)
)
 Respondent.)

No. S-07-831.

CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

ORDER APPROVING
CONDITIONAL ADMISSION AND
IMPOSING DISCIPLINE

Formal charges were filed against respondent on July 31, 2007, and a Conditional Admission was filed on November 26, 2007. Neb. Ct. R. of Discipline 13.

Upon due consideration, the Court APPROVES the Conditional Admission, finds that Respondent violated the Nebraska Rules of Professional Conduct as alleged in the Formal Charges and his oath of office as an attorney, and ORDERS discipline as follows:

- (A) Respondent shall be suspended from the practice of law for three months beginning on February 1, 2008;
- (B) Respondent shall be placed on probation for a period of 12 months upon reinstatement and subject to monitoring by an attorney licensed to practice in the State of Nebraska, who shall be approved by the Counsel for Discipline;
- (C) Monitoring ordered in (B), *supra*, shall include but is not limited to the following:
 - (1) The respondent shall provide the monitor with a monthly list of cases for which the respondent is currently responsible, which list shall include the following information for each case:

- (a) Date attorney-client relationship began;
 - (b) General type of case (i.e. divorce, adoption, probate, contract, real estate, civil litigation, criminal);
 - (c) Date of last contact with client;
 - (d) Last type and date of work completed on file (pleading, correspondence, document preparation, discovery, court hearing);
 - (e) Next type of work and date that the work should be completed on case; and
 - (f) Any applicable statute of limitations and its date;
- (2) During the first six months of the probation, the respondent will personally meet with the monitor on a monthly basis to review the case list and the status of the cases;
 - (3) The respondent will review with the monitor his office practices and continue to work to develop efficient office procedures that protect the clients' interests;
 - (4) The monitor shall have the right to contact the respondent with any questions the monitor may have regarding the respondent's then pending cases. If at any time the monitor believes the respondent has violated the Nebraska Rules of Professional Conduct or has failed to comply with the terms of the probation, he or she shall report such violation or failure to the Counsel for Discipline;

- (D) Respondent shall pay the costs and expenses in this case including fees and expenses of the referee and monitor, within 60 days after an order imposing costs and expenses, if any, is entered by the court. Neb. Rev. Stat. §§ 7-114 and 7-115 and Neb. Ct. R. of Discipline 10(P) and 23(B).
- (E) Respondent shall comply with Neb. Ct. R. of Discipline 16, and upon failure to do so, shall be subject to punishment for contempt of court.

IT IS THEREFORE ORDERED that respondent is suspended for three months commencing February 1, 2008, and upon reinstatement ordered to comply with terms of probation set forth above.

Dated this 19th day of December, 2007.

BY THE COURT:



Michael G. Heavican, Chief Justice