

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

FILED

OCT 14 1999

State of Nebraska ex rel. )  
 Nebraska State Bar Association, )  
 )  
 Relator, )  
 )  
 v. )  
 )  
 Kenneth C. Schatz, )  
 )  
 Respondent. )

No. S-97-172.

CLERK  
NEBRASKA SUPREME COURT  
COURT OF APPEALS

ORDER OF DISBARMENT

On August 25, 1999, pursuant to a Motion for Reciprocal Discipline made by the Counsel for Discipline of the Nebraska State Bar Association, Kenneth C. Schatz, Respondent, admitted to practice in Nebraska on April 28, 1993, was ordered to show cause why this court should not enter an order disbaring him from the practice law in the State of Nebraska.

Respondent filed a response on September 15, 1999. Pursuant to *State ex rel. NSBA v. Dineen*, 235 Neb. 363, 455 N.W.2d 178 (1990), Respondent bears the burden of showing that the discipline to be imposed should be less than that imposed in Iowa.

The Counsel for Discipline filed a motion for judgment on the pleadings on September 20, 1999. Respondent filed a response on September 24, 1999.

It is undisputed that Respondent's license to practice law in Iowa was revoked on June 3, 1999. Respondent does not dispute that he converted over \$53,000 from his law firm over an extended period of time and that Respondent was convicted of two felony offenses in Iowa and sentenced accordingly.

Pursuant to Neb. Ct. R. of Discipline 21(A) (rev. 1997), this court is authorized to reciprocate the disciplinary measures of another state on a member of the Nebraska bar. For purposes of

reciprocal disciplinary actions, a judicial determination of attorney misconduct in one state is conclusive proof of guilt and is not subject to relitigation in the second state. *State ex rel. NSBA v. Ramacciotti*, 250 Neb. 893, 553 N.W.2d 467 (1996).

Upon due consideration of Respondent's response to said Show Cause Order and his Response to Petitioner's Motion for Judgment on the Pleadings, this court finds that the Respondent should be disbarred from the practice of law in the State of Nebraska and that the Counsel for Discipline's motion for judgment on the pleadings should be granted.

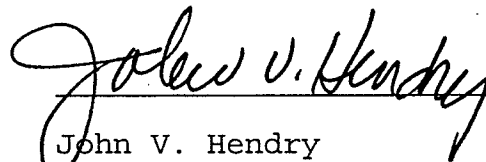
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Kenneth C. Schatz is disbarred from the practice of law in the State of Nebraska.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Respondent shall forthwith comply with Rule 16 of the Disciplinary Rules of this court, and upon his failure to do so, he shall be subject to punishment for contempt of this court.

The Clerk of the Nebraska Supreme Court is directed to cause a copy of this order to be served on the Respondent by certified United States mail.

Dated this 14 day of October 1999.

BY THE COURT:

  
John V. Hendry  
Chief Justice