



Dennis Carlson was a featured speaker at the Creighton School of Law/Omaha Bar Association Ethics and Professionalism Seminar in April. He will wind up a three-decade-plus career as the Supreme Court’s Counsel for Discipline in July.

## Nebraska’s Legal Counsel for Discipline, Dennis Carlson, Calls It a (Good) Day

By Andy Roberts  
The Daily Record

If you are a Nebraska attorney, this may not be the guy you wanted to find on the other end of a phone call.

But you don’t have to worry about hearing from Dennis Carlson for much longer. Carlson, the Counsel for Discipline of the

Nebraska Supreme Court, is set to retire on July 31. A replacement has yet to be named.

That office has the responsibility for investigating and prosecuting violations of the Rules of Professional Conduct as adopted by the Nebraska Supreme Court, to which all Nebraska attorneys are subject. The object of the dis-

ciplinary system is to protect the public, the legal profession, and the justice system from unethical practitioners.

Carlson attended the University of Nebraska-Lincoln for his undergraduate and law degrees, finishing his J.D. in 1974. He worked as a clerk in the Lancaster County See CARLSON, page 2

## Carlson

public defender's office the final two years of law school, where he spent much of his time interviewing clients, doing research and writing briefs.

"I enjoyed the work and was fortunate to be offered a job as a deputy public defender in Lincoln when I graduated," he recalled.

After six and a half years in the position, despite finding it rewarding, he felt it was time for something new.

"Serving as counsel for discipline had an immediate appeal to me, and I thought it would be a good match for my experience and abilities," Carlson explained. "The job offered an opportunity to continue to do investigations and trial work but also included a fair amount of travel and public speaking."

He had no idea, he admits, that he would be in the job for 33 years.

Along the way he has been honored with a Meritorious Service Award from the American Bar Association Commission on Lawyer Assistance Programs. For his volunteer efforts, Carlson received a Citation of Valor from the National Association of Foster Care Reviewers for "extraordinary volunteer efforts on behalf of Nebraska's abused and neglected children."

Things worked out well for this Lincoln native. Carlson says he is fond of the state and never has given serious consideration to leaving.

"My wife, Nancy, and I have been married for 43 years and have two children and five grandchildren," he stated. "All of us live within a mile of each other."

"Nancy and I recognize that we are completely spoiled."

Others in the state feel they

have been spoiled by his service.

"Dennis Carlson shaped the Office of Counsel for Discipline into an effective and efficient disciplinary body during the last 30 years," Nebraska Supreme Court Chief Justice Michael Heavican said in a statement from his office. "We are very fortunate to have had him at the helm and will greatly miss his insights and teaching. The judicial branch of government has been well served through his leadership; he will be missed." Bob Rossiter, an Omaha attorney with Fraser Stryker, began his legal career the same year Carlson became counsel for justice.

"In our state, Dennis Carlson is synonymous with ethics," Rossiter said. "People go to him for hypothetical advice, and on the flip side of it ... [he's] a person you don't want to get a letter from."

Rossiter also praised Carlson for his work with the Nebraska Lawyers Assistance Program, which helps attorneys with substance abuse and behavioral health issues before they develop major problems.

"I've never heard anyone say a bad thing about him," Rossiter stated. "He's really going to be missed."

In addition to his investigatory and prosecutorial duties, Carlson has become a popular provider of education and information in the area of legal ethics. Carlson regularly renders advice on ethical issues to individual attorneys and has authored over 120 articles that have been published in *The Nebraska Lawyer* magazine. In addition, Carlson sends weekly e-mails to Nebraska lawyers and judges entitled "Carlson's Ethics Refresher." Throughout his career Carlson has given hundreds of

presentations to attorneys, judges, law students and non-lawyers regarding legal ethics and attorney discipline.

Bob Bartle of Lincoln, a former president of the state bar, said Carlson has had an outstanding career.

"Not only the role model for the office, but the first," he said, pointing out the attorney general's office handled the disciplinary work before Carlson's job was created.

Bartle, who often has represented attorneys who were accused of wrongdoing by Carlson, said his courtroom rival has performed an "invaluable" service to the state.

"Dennis has done that with great talent and great dedication," Bartle said. "He's tough, but he's fair."

Maybe that's why Carlson says his job has been a surprisingly good way to make friends.

"I've tried to treat people how I would like to be treated if I was in a similar situation," he explained. "There have been a few exceptions, but for the most part, I think I have gotten along with the attorneys and complaining parties that have been involved with the office."

The modest Carlson agreed when it was suggested he has performed a valuable service, which is to protect the public.

"Sometimes that means that an attorney has to be suspended or disbarred from the practice of law. Sometimes it means that an attorney has to be placed on probation and monitored," he said. "The bottom line is that the interests of the public trump the personal interests of the involved attorney."

"If the attorney's misconduct is a result of a specific problem and

the attorney addresses that issue, the public can be protected and the attorney oftentimes can continue in the practice of law."

Carlson believes that no one wants to see an attorney lose their license to practice law, but sometimes that's the only way to protect the public.

For him, the most difficult part of the job was watching attorneys destroy their careers by misusing drugs or alcohol. He said the state is fortunate to have the Nebraska Lawyers Assistance Program to help with those who suffer from addictions.

Carlson cited two major changes in the legal profession since he began as counsel for discipline.

"Attorneys in smaller communities were at a huge disadvantage from a research standpoint because local law libraries simply did not have the necessary resources," Carlson recalled. "That, of course, has all changed with computer research. Another change is that law schools are now doing a better job of preparing soon-to-be-lawyers for the ethical challenges that they will face when they start practicing."

"Young lawyers are now better trained and aware of their ethical duties. The law schools are doing a good job."

In 33 years, Carlson has seen many challenges, including a number of high profile cases that were time-consuming and difficult from a "lawyering" standpoint.

"The toughest cases from an emotional standpoint, however, have dealt with attorneys suffering from dementia or mental health issues."

The state's legal disciplinary system gets involved only with a small percentage of the state's attorneys, Carlson stressed.

“The vast majority of attorneys are mindful of their ethical duties and don’t ever come close to crossing the line,” he stated. “Those who do violate the ethical standards of the profession oftentimes have distractions going on in their lives. These may include addictions, marital problems, mental health issues or gambling.”

Carlson emphasized that attorneys need to constantly be aware of these issues and make sure they don’t interfere with their practices.

“We also need to watch out for and assist fellow lawyers who may be dealing with these sorts of issues,” he said.

Offering advice to his fellow members of the legal profession, Carlson said he long ago learned that clients file complaints against their lawyers when they are ignored. Attorneys, he pointed out, need to communicate on a regular basis with their clients to avoid complaints.

“It drives clients nuts when attorneys fail to return phone calls,” he stressed. “It sounds simple and basic but the best advice I can give attorneys is to communicate with their clients.”

Asked about his career highlights, Carlson simply stated that

it was an honor and privilege to serve as the counsel for discipline for more than three decades.

“The disciplinary office has evolved from a strictly prosecutorial function to also being a resource that attorneys can use when faced with an ethical problem,” he said. “I have enjoyed being part of this change.”

Looking forward to retirement, a “truck-load of interests and bad habits” await him. “I like to spend time with my family, fish, bike, work-out, look for fossils and travel,” Carlson elaborated. “I plan to stay busy, but on my own time. I may also work on a part-time basis.”

A legacy is something the retiring counsel for discipline has never considered.

“I hope lawyers understand that the disciplinary office works because of a team effort,” he said. “John Steele, Kent Frobish and Jan Malone are the backbone of the office.

“If we had an office motto – which we don’t – it would probably say something like ‘Do the right thing.’ It would be nice to be remembered as somebody who tried to do that.”

He already is being remembered for much more.