

# LEGISLATIVE PROGRAM & POLICY STATEMENT

## Nebraska State Bar Association

### I. SCOPE

- A. The legislative program of the Nebraska State Bar Association, and its Committees and Sections, serves to keep its members informed of changes to the law and shall include the initiation, support, opposition, monitoring, or monitoring with comment on legislative matters before the Nebraska Legislature, the Congress of the United States, or the Federal or State Executive Departments with the intent of improving the quality of legal services to the public and promoting the purposes of the Association. The purposes of the Association are to improve the administration of justice; to foster and maintain high standards of conduct, integrity, confidence, and public service on the part of those engaged in the practice of law; to safeguard and promote the proper professional interests of the members of the Bar; to provide improvements in the education and qualifications required for admission to the Bar, the study of the science of jurisprudence and law reform, and the continuing legal education of the members of the Bar; to improve the relations of the Bar with the public; to carry on a continuing program of legal research; and to encourage cordial relations among the members of the Bar. All of these purposes are to the end that the public responsibilities of the legal profession may be more effectively discharged.
- B. Examples of issues the Association may take positions on include, but are not limited to, the following:
- Regulating and disciplining lawyers;
  - Regulating lawyer trust accounts;
  - The education, ethics, competence, integrity and regulation of the legal profession;
  - Safeguarding and promoting the proper professional interests of the members of the Bar;
  - Improving the functioning of the courts including issues of judicial independence, fairness, efficacy and efficiency;
  - Issues involving the structure and organization of federal, state and local courts in or affecting Nebraska;
  - Issues involving the rules of practice, procedure and evidence in federal, state and local courts in or affecting Nebraska;
  - Issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Nebraska;
  - Issues involving the allocation of and access to judicial resources;
  - Issues involving judicial compensation and benefits, selection and retention;
  - Issues involving budget appropriations for the court system;
  - Issues involving the availability of legal services;
  - Providing recommendations and assistance to elected and appointed government officials pertaining to existing or proposed legislation; or

- Safeguarding the public from the unauthorized practice of law.
- C. The fact that members of the Association may have divergent views regarding a given issue should be taken into consideration, but does not prohibit the Association from taking a position on such proposed legislation. The Association must balance taking a position with how and to what degree the issue will affect the quality of legal services to the public or promote the purposes of the Association.
- D. The Association will not take a position on legislation if it is political or ideological unless the legislation is germane to the purposes of the Association or will affect the quality of legal services to the public.

## II. AUTHORIZATION FOR ACTION

- A. The House of Delegates, by a majority vote of the members present and voting, shall establish Association positions on legislative matters within the legislative policy of the Association. When time does not permit the House of Delegates to establish legislative position, legislative positions of the Association shall be established by a majority vote of the voting members of the Executive Council of the Association present and voting, or where time does not permit obtaining the approval of the voting members of the Executive Council, by the President or in his or her absence or inability to act, by the President-Elect of the Association. Failure to receive a majority vote to support or oppose legislation shall not be considered adoption of the contrary position.
- B. Any Committee or Section of the Association desiring the Association to sponsor legislation shall inform the Legislation Committee through the Legislative Counsel or Executive Director of the Association of the exact nature of the legislation proposed no later than November 1. A copy of the proposed bill or policy will be presented for consideration to the Legislation Committee at its fall meeting. If sponsorship of the proposed legislation is recommended by the Legislation Committee, Legislative Counsel shall forward the proposal, via email, to the House of Delegates for review and comment. Comments by House of Delegates members on proposed legislation shall be considered by the Executive Council at its meeting where it decides whether to authorize Legislative Counsel to request that such legislation be introduced. Committees and Sections of the Association shall provide: (1) the specific legislation or policy, if any, which is proposed, (2) a summary of existing law, (3) principal known proponents and opponents of the legislation or policy, and, if possible, a brief statement of the reasons for opposition or support by the other interests, (4) a list of any other Committees or Sections of the Association which may have an interest in the legislation or policy, and (5) the position which the Committee, Section or group recommends be adopted by the Association.
- C. Any Committee or Section of the Association that desires the Association to take a specific position on pending legislation will inform the Legislation Committee through the Legislative Counsel or Executive Director of the Association of the exact nature of the legislation proposed and its recommended position as soon as is practicable after the introduction of the legislation.

- D. Any individual member of the Association that desires the Association to have legislation introduced is encouraged to inform the Legislation Committee through the Legislative Counsel or the Executive Director of the Association of the nature of the legislation proposed prior to the beginning of the legislative session.
- E. Prior to establishing a legislative position, the Association and its leadership should make a reasonable effort to encourage as wide a participation of the membership as is possible in formulating positions, and respect divergent opinions of subgroups within the legal profession. Once a legislative position is established, the members of the Association, especially Sections and Committees, should be informed of such positions.

### III. IMPLEMENTATION

- A. The Legislation Committee shall monitor legislation proposed before the Nebraska Legislature. The Committee will keep the membership informed of proposed legislation by area of practice and shall advise and make recommendations to the Executive Council and House of Delegates with regard to matters which are within the legislative policy of the Association. The Committee shall also advise and assist the President with regard to all legislative matters coming before the Association. In carrying out its functions, the Committee shall be provided with a retained member of the Association known as the Legislative Counsel and shall request the input and assistance of the other Committees and Sections of the Association.
- B. Unless otherwise authorized in the bylaws of the Association, no member, Committee, or Section shall represent the Association before the Nebraska Legislature, the Congress of the United States, or the Federal or State Executive departments on legislative matters unless authorized to do so by the House of Delegates, the Executive Council, the President, or the President-Elect of the Association.
- C. Nothing in this policy shall be construed to prevent members of the Association from presenting their own personal views concerning any legislative matter. When doing so the member may not identify him or herself as appearing on behalf of the Association or any of its Committees or Sections.

Adopted by NSBA  
House of Delegates on  
April 5, 2014