The House of Delegates of the Nebraska State Bar Association met on October 18, 2018.

The meeting was called to order by Chair Jane Langan Mach. Members present in addition to Chair Langan Mach were: Chris Abboud, Jill Robb Ackerman, Hon. Joseph Bataillon, Aimee Bataillon Smith, Julie Bear, William Birkel, Jon Braaten, Tracey Buettner, Angela Burmeister, Robert Canella, Jack Cheloha, Sean Connolly, Jarrod Crouse, Scott Daniel, Jessica Douglas, Michael Dunn, Matthew Dunning, Paul Elofson, Matthew Enenbach, Tim Engler, G. Michael Fenner, Stacy Ferrel, Hon. PaTricia Freeman, Dana Fries, Stephen Gealy, Jason Grams, John Grant, Ken Hartman, Stephen Herman, Robert Hillis, Todd Kinney, Brittney Krause, Brian Kruse, Matthew Kuhse, Jeff Lapin, William Lindsay, Hon. Christina Marroquin, Amie Martinez, Timothy Matas, Mike McCarthy, Andrea McChesney, Sean Minahan, Matthew Munderloh, Jon Nativg, James Nelson, Sarah Newell, Joe Nigro, Robert O’Connor, Patrice Ott, Hon. Robert Otte, Robert Parker, Forrest Peetz, Susan Reff, Lawrence Roland, Bradley Roth, Susan Sapp, Hon. Stephanie Shearer, Luke Simpson, Paul Snyder, Susan Spahn, Megan Spomer, Hon. Tom Stine, Joy Suder, Nancy Svoboda, Carol Anderson Svolos, Ron Temple, James Truell, James Welsh, Ken Wentz, and Joe Wright.

Minutes of the January 26, 2018 meeting were approved.

Annual Meeting speaker Laureen Rikleen, author of You Raised Us-Now Work With Us: Millennial Career Success and Building Strong Workplace Team provided a 30 minute presentation on how bar association’s can engage and retain the younger generation of lawyers.

Report of the NSBA President
NSBA President Tim Engler reported that:

- The EEO complaint filed against the NSBA by C. Boone was dismissed.
- In August, the Widfeldt case was dismissed. Mr. Widfeldt has appealed to the District of Columbia Court of Appeals.
• A recent case, *Nimmer vs. Heavican* calls to question whether the Counsel for Discipline should be part of the Court.
• The NSBA is following cases nationally which question the constitutionality of the mandatory bar.

Engler:
• Reported on the joint meeting that the Executive Council had with the Nebraska Supreme Court
• That the conversations regarding a merger between the NSBF and NLF were not successful, but that the doors remain open for future conversations on that topic.
• Thanked Judge Bataillon, Steve Mattoon and Ken Hartman for their participation in the 2018 Presidents Caravan.
• Sent a letter to the Court asking for their consideration to allocate funds from the Attorney Services Cash fund to the Client Assistance Fund. The Court declined.

**Report of the Annual Meeting Co-Chairs**
Hon. Bob Rossiter reported on behalf of himself and his co-chair Mary Beth Frankman on the 2018 Annual Meeting. Based on registrations thus far, the NSBA is expecting record attendance. Rossiter highlighted several programs including the General Session speaker, Shon Hopwood.

**Report of the Law Schools**
University of Nebraska College of Law School Dean Richard Moberly and Interim Dean of Creighton University School of Law provided updates to the NSBA House of Delegates on behalf of their respective law schools.

**Chief Justice Heavican**
Chief Justice Heavican discussed the important role of the Supreme Court’s various Committees and Commissions including Problem Solving Courts, Self Represented Litigants, Language Access, Technology and Civil Justice Reform. Heavican discussed the upcoming legislative session, noting that judicial salary increases will be an issue for 2019.

**Report of the Executive Director**
Neeley reported that there are a large number of claims currently filed with the Client Assistance Fund. The balance of the fund is in excess of $500,000. The rules impose a $100,000 cap per lawyer. There are currently two lawyers that could potentially hit the $100,000 cap. The NSBA has had discussions with the
Nebraska Supreme Court regarding an assessment of the membership to replenish the Fund. Given the NSBA’s new structure, this may require rule changes, which Neeley expects to be presented to the NSBA House of Delegates in 2019.

Neeley provided an update on the NSBA’s effort to establish the NSBA Health Insurance Consortium. In simple terms, the Consortium will consist of multiple employers, working together to obtain affordable health insurance coverage on terms similar to those available only to large employers. The Consortium allows member employers to negotiate and to manage the coverage as a single entity. Neeley reported that firms had until October 9th to complete a census in order to receive a quote for coverage effective January 1, 2019. Approximately 3,600 people (including spouses and dependents) completed that process. Rates are expected to be disseminated the following week.

The NSBA, with the support of the Nebraska Department of Insurance, has asked the U.S. Department of Labor to allow solo practitioners (meaning one lawyer with no support staff) into the Health Insurance Consortium. The request is still pending. Neeley reported that the additional work to get solos into the Consortium will result in higher than budgeted legal fees.

Neeley thanked Travis Spier, Erin Pemberton, Tim Brouillette, William Brown and Dan Wintz for serving as the inaugural board for the Health Insurance Consortium.

Financial Statement
Budget and Planning Committee Chair Frank Mihulka presented the NSBA and NLF 2017 Audit. NSBA/NLF received a clean audit with no reported deficiencies. Mihulka also presented the NSBA Financial Statement from January 1, 2018 through September 30, 2018. The NSBA is in good position but expects to be over budget for 2018 due to legal fees associated with setting up the NSBA Health Insurance Consortium.

NSBA 2019 Budget
Frank Mihulka presented the 2019 NSBA proposed budget. Based on new information, the Budget and Planning Committee is no longer recommending a dues increase for 2019. A motion was made and seconded to adopt the proposed 2019 NSBA Budget. The motion carried. The House of Delegates discussed the fact that eventually it will need to consider a dues increase.
Nominations Committee
Julie Bear, Chair of the NSBA Nominations Committee shared the following nominations:

- Warren Whitted to be appointed for one more term as the ABA Delegate
- Joe Duggan and Stanton Beeder to fill the District 3 vacancies created by Justice Freudenberg and Mark McGuire.
- Susan Sapp to serve as the Chair Elect Designate of the House of Delegates.

A motion was made and seconded to adopt the recommendations of the Nominations Committee. The motion carried.

NSBA Privacy Policy and Revised Mailing List Policy
Neeley thanked Jacob Tewes of Kutak Rock for preparing a new privacy policy for the NSBA and updated the NSBA’s sold mailing list policy. Jeff Lapin asked if a Terms of Use policy was also needed. Questions were asked if the policy covered a situation where data was requested by law enforcement. It was recommended that Section II of the mailing list policy be revised to specifically outline the opt-out procedure. A motion was made and seconded to adopt the Privacy Policy and Sold Mailing List Policy and Agreement, with the revisions to Section II. The motion carried.

Proposed Bylaws Revisions and Court Rule Changes
Judge Freeman proposed revisions to NSBA bylaws and NSC Court Rules that would: 1) add an affiliate member option for the NSBA; 2) update the House of Delegates districts to match the new district court judicial district boundaries; 3) change the vernacular from dues paying members to professional members; and 4) update the Registered In-House Counsel Rules.

Larry Roland noted that the numbering for the new proposed Article II was not consistent with the rest of the NSBA Bylaws. There was discussion related to the proposal to change the term “voluntary dues” to “professional dues” but no consensus. A motion was made and seconded to adopt the NSBA bylaws revisions (with the numbering correction), except for the proposed revisions changing the term “voluntary dues” to “professional dues”. The motion carried. A motion was made and seconded to petition the Court for the proposed rule revisions. The motion carried. Liz Neeley thanks the NSBA Rules and Bylaws Committee for their work on the proposal.

Proposal to Approve a Joint Task Force on Lawyer Wellbeing
Chris Aupperle presented a proposal to establish a Joint Task Force on Lawyer Wellbeing and a resolution in support of the Task Force. The purpose of the Task Force is to provide a forum in which stakeholders can collaborate on how best to create change, to track and measure progress on lawyer wellbeing. A motion was made and seconded to adopt the resolution. The motion carried.

**Report from the Committee on Location**

President Elect J. Scott Paul provided an update on the communications between the NSBA and NSBF on negotiation the current lease. Paul reported that the NSBF dropped the proposed annual rent by $2.00 per square foot. The NSBF has agreed to install wireless internet and a projector and sound system into the first-floor conference room. They have agreed to install a supplemental cooling unit in the second-floor board room and build out three additional offices on the second floor. The NSBF considered but denied our request to expand the first-floor conference room. Parking and security for the existing office remains a concern. Questions were raised about whether the Hruska Law Center is truly a Class A building anymore.

In considering other locations, the House discussed whether a space where the NSBA could hold larger seminars and House of Delegates meetings in-house was a priority. There was a discussion about whether such a design could serve as a potential revenue source for the Association. Without knowing how to estimate that revenue, the NSBA should not factor that into its cost-benefit analysis of the potential locations.

A motion was made and seconded directing the Committee on Location to make their best efforts to come to the February 1, 2018 House of Delegates meeting with a final lease option to: 1) stay at the Hruska Law Center; and 2) the best alternative option to the current location. The motion carried.

The House of Delegates did discuss the possibility of needing a meeting in the spring of 2019 if the issue is not resolved in February.

**Written Reports**

House of Delegates Chair, Jane Langan Mach referenced the annual reports made by NSBA Committees, Sections, and ABA Delegates and asked if there were any questions.

**Passing of the Gavel**
Chair of the House of Delegates, Jane Langan Mach passed the gavel to Mike McCarthy. The House of Delegates thanked Jane Langan Mach for her service and welcomed Mike McCarthy as Chair.

**Other/New Business**
There being no other business, the meeting adjourned at 12:00.

Respectfully submitted,

Elizabeth Neeley