

NEBRASKA STATE BAR ASSOCIATION
House of Delegates Meeting

10:00 a.m.
October 18, 1995

Cornhusker Hotel
Lincoln, Nebraska

MINUTES

The House of Delegates of the Nebraska State Bar Association met Oct. 18, 1995, at the Cornhusker Hotel in Lincoln. The Wednesday morning meeting was called to order at 10 a.m. by House of Delegates Chair Paul W. Korslund of Beatrice.

ROLL CALL

Executive Director Jim Sajevic of Lincoln called the roll. The following individuals were determined to be present, constituting a quorum: *First District:* Allen R. Fankhauser of Humboldt; *Second District:* Mark P. Reynolds of Papillion and John F. Steinheider of Nebraska City; *Third District:* Robert F. Bartle, David R. Buntain, Linda R. Crump, John R. Doyle, Karen A. Flowers, James E. Gordon, John M. Guthery, Kile W. Johnson, Virginia G. Johnson, Dennis R. Keefe, Gail S. Perry, Vincent M. Powers, Kim M. Robak, John R. Snowden, William A. Wieland and Donald R. Witt, all of Lincoln; *Fourth District:* Joseph J. Barmettler, Joseph F. Bataillon, Robert H. Berkshire, Elizabeth S. Borchers, D.C. "Woody" Bradford, Bruce H. Brodkey, Kathleen A. Cook, David J. Cullan, James Martin Davis, William A. Day, Jr., K.C. Engdahl, G. Michael Fenner, Susan E. Fieber, Keith I. Frederick, John P. Grant, David L. Hefflinger, David L. Herzog, David S. Houghton, Leo A. Knowles, William J. Lindsay, Jr., Amy L. Longo, Robert C. McGowan, Jr., Gregory B. Minter, Michael J. Mooney, Michael G. Mullin, Thomas A. Otepka, Harold L. Rock, Robert F. Rossiter, Jr., Judith A. Schweikart, Rodney Shkolnick, Richard E. Shugrue, Ronald R. Volkmer, Larry E. Welch and John W. Wilke, all of Omaha; *Fifth District:* Bradley R. Nygren of Wahoo; *Sixth District:* Robert M. Hillis of Fremont; *Eighth District:* Golby C. Uhlir of South Sioux City; *Ninth District:* Michael T. Brogan of Norfolk and Daniel A. Fullner of Madison; *Tenth District:* Robert J. Parker, Jr., of Hastings; *Eleventh District:* Jerom E. Janulewicz of Grand Island; *Thirteenth District:* David B. Smith of Lexington; *Fourteenth District:* J.D. Wood, Jr., of McCook; *Fifteenth District:* Boyd W. Strobe of O'Neill; *Sixteenth District:* Leo P. Dobrovolny of Alliance; *Seventeenth District:* Howard P. Olsen, Jr., of Scottsbluff; *Eighteenth District:* Paul W. Korslund of Beatrice; *Nineteenth District:* Thomas M. Sonntag of Sidney; and *Twenty-First District:* Stephen C. Hansen of Columbus.

Also present were NSBA President Fredric H. Kauffman of Lincoln; ABA State Delegate Bevin B. Bump of Chadron; ABA Association Delegate Robert T. Gruit of Lincoln; UNL College of Law Acting Dean Robert C. Denicola of Lincoln; Creighton University School of Law Dean Lawrence Rafal of Omaha; Nebraska Court of Appeals Chief Judge Richard D. Sievers of Lincoln; Nebraska District Judges' Association President Hon. Lawrence J. Corrigan of Omaha; Nebraska County Judges' Association Treasurer Kristine Cecava of Ogallala; and NSBA Legislative Counsel William J. Mueller, Larry L. Ruth and Mary Johnson, all of Lincoln. Staff present included NSBA Executive Director Jim Sajevic; Associate Executive Director Sam Clinch; Counsel for Discipline Dennis G. Carlson; Director of Communications Jennifer Schizas; Volunteer Lawyer Program Director Kathryn A. Bellman; NCLE, Inc., Executive Director Cindy Lilleoien; and Nebraska State Bar Foundation/Nebraska Lawyers Trust Account Foundation Executive Director Doris Huffman, all of Lincoln.

Reynolds moved, Crump seconded minutes of the April 7, 1995, meeting be approved as submitted. The motion carried.

Rock moved, Schweikart seconded the House grant unanimous consent to consider a Committee on Judicial Resources, a Senior Lawyers Section and a stipend for arbitrators in the Proposed Rules for Nebraska Arbitration of Attorney-Client Fee Disputes. The motion carried. Korslund asked the Committee on Alcoholism and Drug Abuse to report prior to the Committee on Budget and Audit. Delegates then approved the agenda as amended.

NOMINATIONS

Rock gave the report of the House Committee on Nominations. The committee nominated Burwell attorney Dale C. Crandall to fill the unexpired term of Steven O. Stumpff, formerly of Broken Bow, in the Twentieth District of the House. Stumpff resigned his seat in the House effective April 15, 1995, due to his moving outside the district. The motion carried. The committee nominated Lexington attorney David B. Smith to a three-year term on the NSBA Ways, Means & Planning Committee. The motion carried. The committee nominated Ronald R. Volkmer of Omaha and Linda R. Crump of Lincoln to three-year terms on the Nebraska State Bar Foundation Board of Directors. The motion carried. Finally, the committee nominated Lincoln attorneys Robert F. Bartle, David R. Buntain and Karen B. Flowers for chair-elect of the House of Delegates. After the candidates introduced themselves, the House Committee on Elections distributed and collected ballots. Korslund then recessed the House for 15 minutes so committees could caucus and ballots be tallied.

Following the caucus, Korslund recommended committee and section reports not requiring House action be approved by consent agenda. Elections Committee Vice-Chair Steinheider then announced Flowers had been elected by the House as its chair-elect. The announcement was greeted with warm applause. Giving the Elections Committee report, Flowers said Omaha attorney and House delegate Schweikart was elected to a six-year term on the Executive Council representing the Second Supreme Court District in July 1995 balloting. She succeeds Bradford, whose term ends upon adjournment of the 1995 annual meeting. Flowers said 20 incumbents were re-elected to four-year terms in the House, along with these 11 newly elected delegates:

Steven E. Guenzel, Lincoln
Scott P. Helvie, Lincoln
Rodney J. Rehm, Lincoln
Rex R. Schultze, Lincoln
Danene J. Tushar, Lincoln
Loren L. Lindahl, Wahoo

Richard K. Watts, Osceola
Matthew D. Hanson, Crete
Claude E. Berreckman, Jr., Cozad
Paul W. Snyder, Scottsbluff
Steven F. Mattoon, Sidney

Finally, Flowers requested a round a applause for these delegates whose terms in the House conclude upon adjournment of the 1995 annual meeting:

John M. Guthery, Lincoln
Kile W. Johnson, Lincoln
Virginia G. Johnson, Lincoln
Dennis R. Keefe, Lincoln
Kim M. Robak, Lincoln

Bradley R. Nygren, Wahoo
Timothy S. Schmidt, Superior
Royce E. Norman, North Platte
Howard P. Olsen, Jr., Scottsbluff
Thomas M. Sonntag, Sidney

PRESIDENT'S REPORT

Saying he was honored to serve the Association, Kauffman first recognized NSBA department heads for special 1995 accomplishments: Schizas (monthly newsletter); Tom Keefe (Youth Summit on Violence); Bellman (support for Legal Services Corporation); Carlson (discipline); and Sajevic and Clinch (annual meeting). He said the NSBA has enjoyed good dialogue with the Nebraska Supreme Court through Justice John F. Wright, the Court's Executive Council liaison. Kauffman encouraged NSBA members to seek competence, commitment and collegiality at this week's annual meeting, and invited everyone to Friday's general session, *Issues Facing the Profession*, at which Chief Justice C. Thomas White will deliver a State of the Judiciary. Finally, Kauffman cited growing public concerns re: the judicial selection process in general and the Bar's biennial judicial performance evaluation in particular.

Next, the president proposed the House of Delegates create a Committee on Judicial Resources and adopt a five-step plan proposed by the Executive Council to address the allocation of judicial resources. The Committee on Judicial Resources would be created under Article VIII of the NSBA bylaws, Section 1 (a) Division 1 - Administration, as follows:

(7) Committee on Judicial Resources. The Committee shall develop the policy and legislative position of the Association on matters pertaining to the creation, elimination or movement of judicial positions with respect to the courts of the State of Nebraska. The Committee shall be responsible for proposing, considering and commenting upon legislation which creates, abolishes, moves or otherwise changes judicial positions or vacancies concerning the courts of the State of Nebraska.

The Committee shall consist of the NSBA President, the immediate past-President, the President-elect, the Chair of the House of Delegates and 12 members of the House of Delegates selected by the chair of that body. The members of the House shall be selected in a manner so as to provide two (2) representatives from each Supreme Court District of the State.

The recommendations and positions of the Committee shall be communicated to the Executive Council and the House of Delegates, and thereafter become the position of the Association unless changed or overruled by a vote of the House of Delegates. The Committee is authorized to appear on behalf of the Association on such matters before the Legislature or its Judiciary Committee, and is also authorized to appear on behalf of the Association before the Judicial Resources Commission.

The Committee shall develop and submit to the House of Delegates for approval its own rules for meetings and conducting business.

The Executive Council's plan on allocating judicial resources includes these five steps:

- 1) The Nebraska State Bar Association shall take positions before the Nebraska Unicameral on the allocation of judicial resources. Having not seen results of the on-going National Center for State Court study, but having seen results of similar studies conducted in other jurisdictions, the Nebraska State Bar Association anticipates positions to be taken before the Legislature shall be based in part on the findings of that study coupled with objective analysis in consultation with local attorneys and judges.
- 2) The Nebraska State Bar Association shall take positions before the Judicial Resources Commission on the allocation of judicial resources.
- 3) Subject to approval by the Nebraska Supreme Court and with the concurrence of judges in the respective districts, the Nebraska State Bar Association shall advocate and support the initiation of a three-year test program in selected judicial districts to study concurrent jurisdiction between district and county courts and use of technology as a means of advancing the use of the state's finite judicial resources.
- 4) The Nebraska State Bar Association shall continue to consider long-term solutions for the best and most appropriate use of the state's finite judicial resources, such as (but not limited to) consolidating services, court administration by judicial district, and identifiable single sites for conducting court business.
- 5) The Nebraska State Bar Association shall continue to support and encourage the exercise of the Nebraska Supreme Court's inherent administrative control and authority over the judicial process.

Bataillon moved. Olsen seconded the House create a Committee on Judicial Resources and adopt the proposed five-step plan. The motion carried. In closing, Kauffman referenced Court Rule 27 which prohibits NSBA officers, Executive Council members, House of Delegates representatives and all lawyers with whom these persons practice law from representing respondents in disciplinary proceedings. Kauffman said earlier attempts with the Court to avoid or limit the scope of conflict proved unsuccessful. At a meeting yesterday, the Executive Council voted to advance this resolution to the House for consideration:

The NSBA president shall appoint a special committee to study the possibility of instituting a proceeding in (or which may ultimately come before) the Nebraska Supreme Court so the NSBA might be heard by the Court regarding the issues created by Rule 27.

Davis moved. Mooney seconded the House support the resolution with dispatch. The motion carried.

JUDICIAL REPORTS

Reporting for the Nebraska Court of Appeals, Judge Sievers said the combination of increasing case load and inadequate funding is cause for concern. He cited the following statistics:

	1/1 - 10/1/95	1994 total	% increase
Appeals filed	1,105	861	18%
Cases on docket	1,019	944	8%
Cases disposed	791	674	17%

Sievers said he asked Court of Appeals judges to increase from six to seven the number of opinions each writes per month. The court's docket grew additionally when the Nebraska Legislature transferred to it juvenile and probate cases formerly heard by district judges. Sievers said two juvenile appeals were considered by the court in 1993 compared to 15 to date this year, and 44 parental right termination cases were heard in 1993 compared to 84 to date this year. Sievers said two options are being considered to address the problem: adding a staff attorney and three law clerks at a cost of \$180,000; and expanding the Court of Appeals from six to nine judges. He said six judges now share two administrative assistants and nine law clerks, with a tenth law clerk assisting a third panel using retired district court judges. Sievers said he favors adding staff because it's less expensive and more flexible. Others favor expanding the size of the court, an option Sievers estimates would cost four times more and would likely be permanent. In closing, he asked the House of Delegates to support increased funding for the judiciary.

Speaking for the Nebraska District Judges Association, Judge Corrigan cited the good relationship between the bench and bar. He said the district judges appreciated the Bar's efforts to raise judicial salaries, adding the concern for adequate judicial resources is a long-standing issue in Nebraska.

Speaking for the Nebraska County Judges Association, Judge Cecava said county court is most people's entry point into the judicial system. She echoed Corrigan's comment about bench/bar cooperation, and said together we must ask how the public is being served and how the public perceives this service. In closing, Cecava said county judges have long supported mandatory continuing legal education for lawyers and judges, and she challenged the profession to pay serious attention to the distribution of judicial resources.

LAW SCHOOL REPORTS

Next were reports from the Creighton School and the UNL College of Law. Dean Rafal said Creighton's goal to reduce enrollment by five students a year over the next six years was accomplished in one year when 150 law students were admitted in 1995. He said Creighton's clinical education program will be a victim of federal budget cuts in 1996, adding the law school will be accredited by the ABA's Association of American Law Schools next year. He finished by saying James A. Lane of Ogallala will receive the law school's 1995 Alumni Merit Award. Lane is the first greater Nebraska attorney so honored.

Acting Dean Denicola said Dean Perlman continues to serve UNL as Acting Senior Vice Chancellor. He said the College of Law admitted 140 law students this year, and next year will admit 50-60 fewer law students than in 1993. Denicola thanked the Nebraska State Bar Foundation and the Lane Foundation for grants which helped establish a Center for Technology in the Practice of Law at UNL. He closed by saying the law college's criminal education clinic is hampered by "bright line" provisions and will be further hurt by 1996 federal budget cuts.

LAWYERS ASSISTANCE PROGRAM (LAP)

Korslund yielded the floor to Omaha attorney John C. Brownrigg, chair of the Alcoholism and Drug Abuse Committee, for a presentation on the proposed NSBA Lawyers Assistance Program (LAP). The committee moves adoption of an LAP at a cost of \$45,577 as outlined in a report distributed to delegates in August 1995. Brownrigg labeled the Association's current effort to reach and treat chemically impaired lawyers and judges well intentioned but ineffective. He said volunteers lack follow-up and formal supervision, adding persons calling the HOTLINE reach an answering service instead of a trained counselor. A Lawyers Assistance Program was recommended by ABA Commission on Impaired Attorneys consultants who conducted an on-site evaluation of Nebraska's program in March 1995. According to Brownrigg, an LAP director would have direct contact with impaired members, would educate non-impaired members about the nature and severity of dependency and would positively impact the admissions and discipline process. Following the presentation, Korslund opened the floor for questions.

- 1) *Do Nebraska statistics support the need for an LAP?* Brownrigg said Nebraska's loosely structured volunteer effort doesn't lend itself to collecting data; however, studies in other states show 15-18% of lawyers have dependency problems. Brownrigg said Nebraska is not a special jurisdiction immune to this problem.
- 2) *Since the NSBA is a unified Bar, shouldn't the LAP be supported by separate contributions solicited on the dues statement?* Brownrigg said the program couldn't survive by hand-to-mouth contributions, adding an LAP falls squarely within Keller provisions which limit the work of mandatory Bar programs to improving the administration of justice.

- 3) *Would Nebraska be the smallest state to have an LAP?* Brownrigg said most Lawyers Assistance Programs are in more populated states; however, the Mississippi Bar Association has an LAP and only 5,000 members.
- 4) *Could the NSBA contract for these services with an outside agency?* Brownrigg said although the committee considered this, it wasn't recommended because of the confidential nature of the discipline and admissions process.
- 5) *Could the House approve an LAP with a sunset provision?* Brownrigg called the sunset provision unnecessary, saying delegates may amend or eliminate the LAP at any time. Brownrigg said the Bar will closely evaluate the LAP, but other jurisdictions report success cannot be measured until after two years' operation.
- 6) *How would the LAP assure confidentiality?* Brownrigg said the LAP department would enjoy the same confidentiality as the Counsel for Discipline. Only the LAP director would be privy to phone conversations and correspondence re: impaired lawyers and judges. Brownrigg said court rules extend attorney-client privilege to persons communicating with the NSBA Committee on Alcoholism and Drug Abuse, and allow the Counsel for Discipline to release information to the committee without violating confidentiality.

With no other questions, Korslund called for a vote on the motion to approve an NSBA Lawyers Assistance Program. The motion carried.

MANDATORY CLE

Lincoln attorney James E. Rembolt, chair of the NSBA Task Force on Mandatory Continuing Legal Education, reviewed amendments to the proposed *Supreme Court Rules Relating to Continuing Legal Education* since the 1995 NSBA Midyear Meeting. The changes include:

- exempting senior active members from compliance - Rule 2 (d) 2
- exempting military active members from compliance - Rule 2 (d) 4
- adopting provisions for reciprocal CLE credit - Rule 3 (f)
- applying 12 CLE credits required to petition for active member status toward the annual reporting period requirement - Rule 7 (a)

He then reviewed amendments to the proposed *Rules Adopted by the Nebraska Continuing Legal Education Commission* since the 1995 NSBA Midyear Meeting. These changes include:

- giving the commission discretion to determine CLE credit for post-graduate courses - Rule 3.04
- awarding up to two (2) hours' credit for published material - Rule 3.08
- eliminating annual certification of exempt status for judges - Rule 5.03
- funding MCLE plan as an NSBA department rather than by a separate annual fee - Rule 8
- modifying confidentiality to allow inquiries re: attorney's CLE status - Rule 10

Rembolt said the Executive Council voted to support the MCLE plan as amended with the recommendation up to six of the 12 CLE credits required be available through self-study. He cited self-study, an annual reporting period and exemption from compliance -- particularly judicial exemption -- as issues of most interest to NSBA members.

Bradford moved, Bataillon seconded the House of Delegates support the concept of mandatory continuing legal education. Uhler said MCLE will serve the public without being burdensome to the profession. Snowden called it demeaning to the profession. Wieland said MCLE will benefit good lawyers and light an academic fire under those unwilling to further their legal education. Cullan called the question, seconded by Minter. The question to call carried. The motion to support the concept of MCLE carried.

Gordon moved, Schweikart seconded the House of Delegates approve the proposed MCLE rules as amended. Action on the motion was tabled pending delegate amendments on specific provisions of the MCLE plan.

Bataillon moved, Minter seconded the House amend the proposed rules to include the Council's recommendation of up to six of the 12 CLE credits required be available through self-study. Crump offered a friendly amendment excluding the two hour professionalism requirement from self-study; however, Bataillon didn't accept the freindly amendment. The motion as originally proposed carried.

Davis moved, Bartle seconded the House amend the proposed rules to require 24 CLE credits over a two-year period. Rembolt said an annual reporting period was recommended by other jurisdictions to simplify the process and reduce administrative costs. Davis said the plan must be made easy for lawyers, not the plan administrator. The motion carried.

Crump moved, Flowers seconded the Task Force on MCLE study how to implement self-study provisions in the proposed rules -- including whether the professionalism requirement may be met by self-study -- and report its recommendations to the Executive Council. The motion carried.

Uhler called the question, seconded by Witt, on the original motion to approve the proposed MCLE rules as amended. When Korslund said calling for the question would end House discussion on specific provisions of the plan, Uhler withdrew the call, and Witt withdrew his second.

Cullan moved, Herzog seconded the House postpone a decision on the proposed MCLE rules until the next scheduled meeting of the House. The motion failed.

Snowden moved, Bataillon seconded Rule 3 (d) 3 of the proposed *Supreme Court Rules Relating to Continuing Legal Education* be amended to include judges in the MCLE plan. Rembolt said the Task Force exempted judges because under the proposed rules non-compliance is addressed by the Counsel for Discipline, which lacks authority over the judiciary. After considerable discussion, Gordon called the question, seconded by Crump. The call for question carried. By a vote of the House, the motion to include judges in the MCLE plan failed.

Shugrue moved. Uhlir seconded Rule 5 (d) of the proposed *Supreme Court Rules Relating to Continuing Legal Education* be amended to give the commission discretion to determine CLE credit for preparing and speaking at approved CLE programs in lieu of the two hour limit proposed, and to remove the limitation on the number of CLE credits per year that could be granted with respect to these activities. Snowden offered a friendly amendment, seconded by Herzog and accepted by Shugrue and Uhlir, to include Rule 3.08 of the proposed *Rules Adopted by the Nebraska Continuing Legal Education Commission* in the motion. Minter called the question on the motion as amended, seconded by Mullin. The call for question carried. The motion to amend Rules 5 (d) and 3.08 as amended carried.

McGowan moved, Rock seconded, the NSBA Task Force on MCLE deal with discrepancies in the proposed MCLE rules resulting from amendments made today by the House of Delegates, and report same to the Executive Council. Gordon called the question, seconded by Rock. The call for question carried. The motion to have the Task Force on MCLE submit revised MCLE rules to the Executive Council carried.

Bataillon called the question, seconded by Uhlir, on the original motion to approve the proposed MCLE rules as amended. The call for question carried. The motion to approve the proposed MCLE rules as amended carried.

Wieland moved, Bartle seconded the NSBA petition the Nebraska Supreme Court to implement proposed MCLE rules after said rules have been revised by the NSBA Task Force on Mandatory Continuing Legal Education and approved by the Executive Council. The motion carried.

Shugrue moved, Minter seconded the Task Force on MCLE be congratulated for its outstanding work drafting the proposed rules. The motion carried unanimously.

COMMITTEE REPORTS

Minter moved, Mullin seconded the House of Delegates approve committee and section reports requiring no House action. The motion carried. In other business:

- Ways, Means and Planning Committee Chair Schweikart moved the House recertify four standing committees -- Volunteer Legal Services, Member Services, Law-Related Education and Alcoholism and Drug Abuse -- and study whether the Real Estate Practice Guidelines Committee should become a subcommittee of the Real Estate, Probate and Trust Law Section. The motion carried.
- Budget and Audit Committee Chair Thomas J. Fitchett of Lincoln moved the House approve actual 1995 budget overages of \$12,972 and projected 1995 budget overages of \$17,187.90. The motion carried. Next, Fitchett moved the House approve a 1996 budget of \$1,444,602. In answer to Bataillon's question, Fitchett said the Executive Council's salary figure differs from the Budget and Audit Committee's (line item #5100) because the committee didn't include salaries for the Executive Director or the Counsel for Discipline.

Reynolds asked if the 1996 budget should include start-up funds for mandatory continuing legal education. The committee didn't budget for MCLE since it's not known how or when the Supreme Court will act on the Association's petition. There being no other questions, the motion carried.

- Roman L. Hruska Law Center Committee Chair Hefflinger moved the House disband the committee in 1996, and the NSBA bylaws be amended accordingly. He said the committee accomplished its goal of renegotiating a ten-year lease for office space at the Hruska Law Center with the Nebraska State Bar Foundation. The motion carried.
- Ethics Committee Chair Rock moved the House petition the Nebraska Supreme Court to adopt a rule allowing lawyers to organize as limited liability companies to render legal services. The motion carried.
- Real Estate Practice Guidelines Committee Chair Albert T. Reddish of Alliance moved the House approve proposed Nebraska Title Standard Opinions as amended by the committee. The motion carried.
- Insurance Committee Chair Gary L. Scritsmier of North Platte moved the House approve a committee study of non-exclusive Association recommendations for professional liability insurance carriers. In lieu of endorsing a single company as in the past, Scritsmier said the NSBA might recommend several companies who meet criteria to be established by the committee and approved by the House at the Association's 1996 midyear meeting. Because Nebraska is a small market, Bataillon cautioned disassociation from a single endorsed provider may not mean lower premium costs. The motion carried.
- Volunteer Legal Services Committee Chair Longo yielded the floor to Crump, who moved the House adopt the following resolution:

WHEREAS the Committee on Volunteer Legal Services of the Nebraska State Bar Association has adopted a resolution recognizing John S. Pierce for his outstanding contributions on behalf of the bar association to provide all people access to the legal system; and

WHEREAS the House of Delegates of the Nebraska State Bar Association agrees with the sentiments expressed by the Committee on Volunteer Legal Services and wishes to acknowledge the contribution of John S. Pierce to the legal profession and the pursuit of justice for all citizens;

NOW THEREFORE BE IT RESOLVED THAT the House of Delegates joins with the Committee on Volunteer legal Services in expressing its appreciation for the service which John S. Pierce has provided on behalf of Nebraska attorneys and the citizens of the state and expresses its condolences to john's family and friends. The motion carried.

Next, Longo moved the NSBA study the concept of a filing fee surcharge to offset lost Legal Services Corporation funding. President-Elect Houghton said he'll appoint a Task Force on Volunteer Legal Services next year comprised of three members each from the House, the Volunteer Legal Services Committee and the Human Rights Committee. The motion carried.

- Alternative Dispute Resolution Committee Chair Volkmer moved the House petition the Nebraska Supreme Court to amend EC 5-20 and to adopt a new canon, Canon 10, to the existing Rules of Professional Conduct Governing Attorneys. The motion carried.
- Government Practice Committee Chair Lucinda Cordes Glen of Lincoln moved the House change the status of the committee to a section in 1996, approve annual dues of \$10 and amend the NSBA bylaws accordingly. President-Elect Houghton said he won't reappoint this special committee next year. The motion carried.

EXECUTIVE DIRECTOR'S REPORT

Sajevic thanked the Nebraska State Bar Foundation for underwriting costs to remodel second floor office space in the Hruska Law Center. Also, he thanked Law Center staff and NSBA leaders for their tireless work during what proved to be an extraordinarily busy Association year.

SECTION. FOUNDATION REPORTS

On behalf of the Poverty Law Section, Powers moved the House recommend a \$10 increase in district and county court filing fees to offset lost Legal Services Corporation funding. The motion failed.

On behalf of the General Practice Section, Uhlir moved 1996 section dues be increased to \$10 to fund a quarterly section newsletter and section-sponsored CLE. The motion carried.

Nebraska State Bar Foundation President Frederick said 10-12% of NSBA members belong to the Foundation. He said their contributing and sustaining dues make possible \$200,000 in grant monies next year. Frederick closed by inviting delegates to Friday's Member Breakfast and Saturday's open house at the Hruska Law Center, both sponsored by the Bar Foundation.

Representing the Nebraska Lawyers Trust Account Foundation, John R. Higgins, Jr., of Grand Island said \$207,000 in Interest on Lawyers Trust Account (IOLTA) funds were disbursed in 1995, and \$250,000 collected. Over 2,000 lawyers and 220 banks (26 of them new in the last year) participate in the IOLTA Program. Higgins said NLTAf continues to study proposed Legal Services Corporation budget cuts and Nebraska attorney opt-out non-compliance.

NEW BUSINESS

Chair-Elect Longo said she looks forward to involving the House on challenges facing the legal profession. President-Elect Houghton said such challenges persist despite the outstanding service given the Association by President Kauffman.

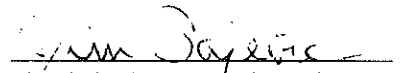
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Barmettler moved. Volkmer moved the House of Delegates approve creation of a Senior Lawyers Section and amend the NSBA bylaws accordingly. The motion carried.

Minter moved. McGowan seconded the House of Delegates delete reference to a stipend for arbitrators in the Proposed Rules for Nebraska Arbitration of Attorney-Client Fee Disputes. The House adopted the proposed rules in October 1989 and amended them in October 1992. The motion carried.

There being no further business, Bataillon moved. Rossiter seconded Korslund be congratulated for his term as chair of the House of Delegates, and the meeting be adjourned. The motion carried. The meeting was adjourned at 4:30 p.m.

Respectfully submitted,


Jim Sajevic, Executive Director