



# Omaha Bar

# NEWSLETTER

Vol. VI No. 4

August, 1985

## Bench and Bar Opposed to Electronic Court Reporters

by Virginia Koerselman

The Nebraska Supreme Court's proposed rule changes to use electronic recording equipment in place of official court reporters met with strong opposition at the public hearings held in Columbus, Kearney, and Omaha last month. Of the fourteen lawyers and judges who appeared as witnesses at the Omaha hearing, only one advocated for the proposed change. The remaining thirteen, which included **Charles Sederstrom** on behalf of the Omaha Bar Association Courts Committee, opposed the use of electronic recording equipment as a substitute for official court reports for a variety of reasons. The one cited most often was mechanical malfunction and failure. This observer found it ironic that, as the witnesses and justices debated the ability of machines to produce a clear and accurate appellate record, parts of their debate were inaudible because of the occasional ruffling of papers or the scratching of pens near a microphone.

The proposal to reduce or eliminate official court reporters came in the wake of overall budget cuts, according to **Chief Justice Norman Krivosha**. It was the Court's response to the opinion of the general public, he said, that court reporters do not have enough to do to keep them busy on a full-time basis. According to the Chief Justice, this belief stems from the fact that so many court reporters freelance. The general public does not like to see State employees receive both a full salary plus whatever income they can generate through free-lancing.

If free-lancing were not permitted, argued some opponents, the court system would lose able reporters to the private sector because of the disparity

between the salaries of public and private reporters. No one, including the members of the Court who were present, was able to accurately state the salary range of a private sector reporter; neither could any one state the exact amount received by official court reporters from free-lancing during the course of a year.

One suggestion which went unopposed was that an appearance fee be assessed by and paid to the State when official court reporters are used for depositions and appearances outside their official functions. The Court gave no indication of how or if such an appearance fee would affect those rules which it ultimately adopts.

Whatever the outcome, it is clear that a substantial percentage of the bench and bar are convinced that replacing official court reporters with machines is not progress.

## New Officers Elected For Omaha Bar Association



Keith I. Frederick

**John C. Burke** of Boys Town has been elected President of the Omaha Bar Association for the 1985-86 year.

Other officers elected are **Keith I. Frederick**, President-Elect, who will assume the office of President July 1, 1986. **Richard E. Croker** and **Kathleen A. Cook** were elected Secretary and Treasurer respectively.

Elected to three year terms on the Executive Council of the association are **Joseph K. Meusey** and **Terrence D. O'Hare**. **Jospeh O. Kavan** was elected to serve the remaining two years of the term of Harvey Davis.

They join **John P. Mullen**, **Richard J. Spethman** and **Bruce D. Vosburg** to complete the Executive Council.

## FALL KICKOFF

DATE: Thursday, September 5, 1985

PLACE: **The First National Bank of Omaha** — Terrace Level (Fourth Floor)

TIME: Cocktail hour 5:30-6:30  
hosted by **The First National Bank of Omaha**

Barbecue and Free Beer 6:30-8:00 p.m.

COST: \$8.00

OMAHA BAR DUES MUST BE PAID TO ATTEND THIS FUNCTION!

**NOTE: You may still make an appointment and have your picture taken for our Pictorial Directory at the Gordon Deas Studio (397-4776) for a \$5.00 sitting fee or as an added convenience, the photographer will attend KICKOFF for those of you that are not able to go to his studio and the sitting fee will be \$10.00.**

## Message From The President

First, let me say that I am extremely pleased by the enthusiastic response to my invitation to you to play an active role in the affairs of the Association during the forthcoming year.

While the committees provide the form of our organization, the workers provide the substance of the organization. Holmes tells us that "Form is good only to present substance as a pint mug is good only to present the beer. Infinite contemplation of the mug will never get us any beer . . ." I look forward to working with you and we will leave the contemplation to others.

In line with the recommendation of the Long Range Planning Committee, we will be adding at least two new committees, to wit: Small Firm/Sole Practitioners Committee and the Media Relations Committee. Also, a Historical Committee, with Joe Byam serving as Reporter, will soon start work developing a history of the Omaha Bar Association.

In addition we will be revamping some of our other committees. For example, the Law Day Committee, as presently constituted, has but seven (7) members while the Real Estate Title Standards Committee is staffed by twenty-seven (27) members.

We intend to intensify our efforts in working with the schools. We are considering a pilot program patterned after the Washington State Bar Asso-



John C. Burke

ciation "mentor" program which pairs lawyers and law firms with high school social studies classes to help the students better understand our legal system. The program is aimed at correcting the long-existing problem of public misunderstanding and misconception regarding our system of dispute resolution and the role of lawyers in our society. The lawyers not only visit the high school and the students; the students visit the lawyer and the law firms.

I look forward to seeing you at the annual Kickoff Dinner graciously sponsored by the First National Bank on September 5th.

## Omaha Bar Honored

The Omaha Bar Association has been selected as the 1985 recipient of the **William H. Spurgeon III Award**.

At a recognition dinner, Omaha Bar Association Past-President, **Chuck Sederstrom**, accepted the award on behalf of the Bar. Also present were **Diana Fuller** and **Robert Freeman**, members of the Omaha Bar Public Service Committee, and Jim O'Conner, the advisor of the Explorer Post.

The William H. Spurgeon III Award is presented annually to an individual, business or service organization for outstanding service to the Exploring Division of the Mid-America Council of the Boy Scouts of America.

The Omaha Bar has been an active support of Exploring activities and should be very proud of this community service honor.



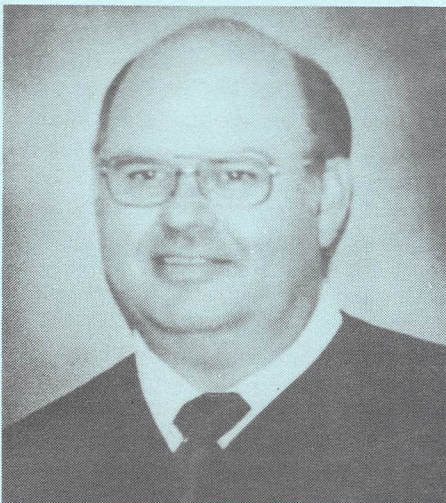
Chuck Sederstrom receiving for OBA the William H. Spurgeon III award.

### District Court Focus

## Honorable Jerry M. Gitnick Follows Richling to Bench

by John Wilke

District Court Judge **Jerry M. Gitnick**, one of two judges appointed to the



Jerry M. Gitnick

Douglas County bench in early 1978, is the 8th Judge to be featured in our focus of the District Court bench.

**Judge Gitnick**, 53, was born in Omaha on November 27, 1931. He attended Central High School and graduated in 1948. From September 1948 to June 1951, he was enrolled at Creighton University in the School of Commerce. Three years later, in 1954, he received his law degree from Creighton's School of Law.

Upon graduation, **Judge Gitnick** worked with retired District Court Judge **Theodore Richling** for approximately one year. In 1955, he joined Omaha Attorney **Irvin C. Levin** to form the partnership of "Levin & Gitnick". He was engaged in the private practice with Levin for 17½ years. In late 1971, the Judge was joined by Attorney **Steven Lustgarten** in the private practice

until his appointment to the bench in February of 1978. His background of "general practice" leaned toward corporate and commercial law.

**Gitnick**, a member of the American Bar Association, Nebraska State Bar Association and the Omaha Bar Association, regularly attends judicial conferences, seminars and conventions.

**Judge Gitnick** and his wife, **Saranne**, have two children: Nann and Andrea, who likes to be called "Andi". The Judge has one brother, Gary, who is a doctor in Los Angeles.

The Judge enjoys gardening, reading and most spectator sports.

Ironically, the Judge now occupies **Judge Richling's** old Courtroom No. 11 which is on the 4th floor, southeast corner.

# Federal District Judge Albert G. Schatz Dies

By John Wilke

Funeral services for United States District Judge **Albert G. Schatz** were held on Friday, May 3, 1985, at Christ The King Catholic Church.

**Judge Schatz**, 63, died Tuesday, April 30, 1985, of cancer. He had been in Methodist Hospital since April 16, 1985, when the cancer was discovered during gall bladder surgery.

"**Duke**", as he was known, had served on the United States District Court bench since May of 1973 after practicing law for nearly 23 years. He was appointed Judge of the Federal District Court by President Richard M. Nixon.

**Judge Schatz** was born in Omaha on August 4, 1921. He received a BA Degree from Nebraska University in 1943, during World War II. Following undergraduate school, the Judge continued his military training that he had started a year earlier in 1942. By 1946, he had attained the rank of 1st Lieutenant in the United States Marine Corps. He remained in the Marine Reserves until 1957, achieving the rank of Captain. Following the war, he attended Creighton University from 1946 through 1948 when he received his LL.B. Degree.

The Judge's first job in 1948 was as law clerk to Honorable **Joseph W. Woodrough**, United States Court of Appeals for the Eighth Circuit. In 1950, he became an associate with **Gross, Welch, Vinardi & Kauffman**, and in 1961, became a partner.

In May of 1973, he was appointed United States District Judge for the District of Nebraska. He was a member of the Nebraska State Bar Association, the Omaha Bar Association, the American Bar Association, the American Judicature Society, the American College of Trial Lawyers, the Association of Trial Attorneys of America, Judicial Conference of the United States as District Judicial Representative for the Eighth Circuit, and Executive Committee of the Judicial Conference of the United States.

During his tenure on the bench, he presided over the Omaha School District integration case which occupied ten years of his judicial career. He also heard the Hell's Angels' drug trafficking case which was one of the longest criminal trials in Nebraska history.

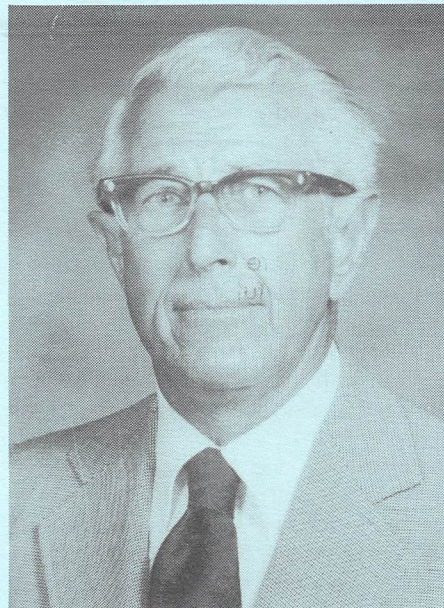
Before his appointment to the bench,

**Schatz** developed a reputation as a tough adversary and was noted for his defense work in the courtroom.

The Judge's first wife, **Mary Jean**, died of cancer in 1978. He later married **Donna Kennedy**, the widow of another Omaha lawyer, **J. A. C. Kennedy**.

In addition to his wife, the Judge is survived by three sons, **Greg**, an Omaha attorney and former Deputy Douglas County Attorney, **Tom**, a professor at the University of Texas at Austin, and **Phil** of South Bend, Indiana; three daughters, **Ann**, a sportscaster with KMTV-Channel 3 in Omaha, **Mary Pomerleau** of Council Bluffs, Iowa, and **Jane Poirier** of Boston; five stepchildren and nine grandchildren.

The process by which federal judges are appointed is purely political. The following is extracted from a publication on "Current American Government" prepared by the Congressional Research Service and obtained through United States Senator Edward Zorinsky's office. "The power to name members of the federal judiciary . . . to well-paid, prestigious, lifetime posts . . .



Albert G. Schatz

is perhaps the strongest patronage lever possessed by an incumbent president. As a result, federal judgeships traditionally go to persons of the president's political party, despite the stated intention of almost every chief executive to make non-partisan appointments. In apparent contradiction of the American ideal of an independent, non-partisan judiciary, the process

of selecting federal judges is pure politics. No constitutional guidelines exist beyond the provision that the president 'shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court, and all other officers of the United States . . .' Only custom dictates that the president nominate and the Senate confirm federal judges below the Supreme Court level. Only tradition requires that federal judges reside in their districts or that they be attorneys. The president has complete independence in selecting his Supreme Court nominees, but since 1840 tradition has awarded to senators of the president's party the prerogative of selecting persons for vacant or newly-created federal judgeships within their states. If there are no senators of the appropriate party from that state, the White House usually looks to its party organization in the state for suggested nominees. Senatorial recommendations carry less weight in the choice of persons for seats on the courts of appeals, each of which has jurisdiction over cases from a number of states. On most circuit courts of appeals, however, it is traditional that each state have a certain representation on the court at all times. Once the nomination is made, it is sent from the White House to the Senate, where it is referred to the Senate Judiciary Committee. Hearings are held on virtually every nomination, but they are rarely more than perfunctory proceedings of brief length. The Senate committee then routinely recommends that the Senate confirm the nominees, which usually occur by voice vote without debate."

Chief Judge **Donald P. Lay** of the Eighth United States Circuit Court of Appeals said Schatz was highly respected by his colleagues, other federal judges around the country, and among the trial lawyers who practiced before him. He was regarded by all of the judges of the Eighth Circuit as one of the best judges and he will be truly missed.

In co-operation with Creighton School of Law and the Omaha Bar Association, the **Walk Through the Omaha Courts** will be held October 1, 10, 15 and 17. For further information, call **Barbara Gaskins** — 280-3076.

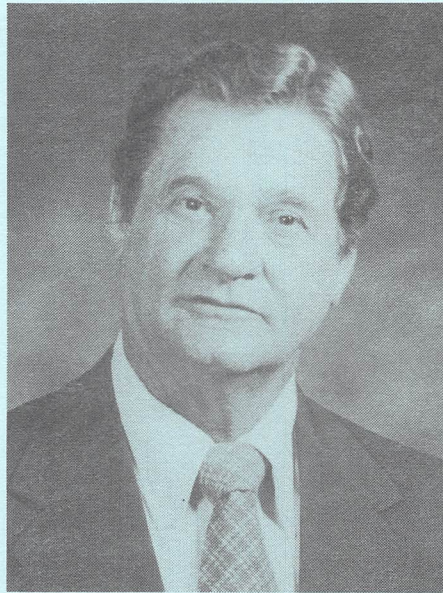
**Municipal Court Focus**  
**Honorable**  
**Francis A. McLane**

Some attorneys appearing before Judge **Francis A. McLane** "could have a better idea of what preparation is necessary before the try their case." **Judge McLane** was referring not to the attorney fresh out of law school or the lawyer who has been practicing for many years. Instead, he was talking about the group of attorneys in the middle, those who have been out for a while and who do not yet have the experience to "shoot from the hip." **Judge McLane** acknowledged that the economic facts of life do not permit as much preparation as some attorneys would like but noted that preparation is still necessary if the case is to be tried properly.

**Judge McLane** learned his trial skills in private practice in Omaha. He began his practice in 1951 following graduation from Creighton Law School by renting office space from now City Attorney **Herb Fittle** in South Omaha. For the next 19 years **Judge McLane** practiced law in South Omaha basically as a sole practitioner, although for a few years he was a named member of the firm of **Schrempf, Rosenthal, McLane & Bruckner**.

"I decided to leave private practice when I found myself leaving for work before my two girls got up in the morning and getting home about the time they were ready for bed." The two girls are now grown. Elizabeth, the youngest, is a student at the University of Nebraska at Lincoln and hopes to become a journalist. Rose Ann is a registered nurse at St. Joseph's Hospital. **Judge McLane** and **Dorothy**, his wife, of 26 years, have one grandchild.

**Judge McLane** is a native of Omaha and graduated from South High School in 1940. He then joined the United States Army Air Corps and served as a bomber pilot with the 8th Air Force in the European theater during World War II. For his services as a pilot **Judge McLane** was decorated with the Distinguished Flying Cross with a cluster and the Air Medal with three clusters. At the time of his discharge **Judge McLane** had achieved the rank of major.



**Francis A. McLane**

**Notes from OBA's Executive Director:**

The gavel is passed and **John C. Burke** is the new president of OBA. We welcome him as he starts his walk down the presidency. **Chuck Sederstrom** deserves a big "thank you" from the association. He was a president of "perpetual motion" and the association will benefit from his presidency for years to come. A few of the programs he initiated were: Walk Through the Omaha Courts, a combined dinner meeting with the CPA's, the successful Law Day luncheon featuring the Ambassador from Great Britain and the Long Range planning study which shows not only where the association is now . . . but more importantly where it is going in the future. On a personal note, Chuck was very supportive of my position with OBA and was always positive, cheerful and just plain fun to work with in handling the routine work of the association.

Everything and everyone . . . especially the weather . . . co-operated to make 1985's Field Day a perfect event. Thanks to **Parker Shipley** and his committee who have the responsibility to keep all arrangements running smoothly. This was Parker's 14th year as chairman and he came through with probably the best Field Day yet! **Dennis Moran's** idea to post numbers of the door prizes instead of reading all those cumbersome numbers was a big hit . . . although can you believe attorneys trying to bribe me to change one of the numbers???? Only kidding, of course!

We now look forward to the **Fall Kick-off** and the "feast" at the First National

**Omaha Bar**  
**Newsletter**

**Co-Editors:**

**Richard N. Berkshire**

**Mardee M. Korinek**

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Gerald L. Friedrichsen

Virginia Koerselman

Mary Gleason Likes

Timothy O'Brien

James P. Waldron

John W. Wilke

Brian Zdan

**Other Contributors This Issue:**

Carol Gendler

Robert Q. Kelly

Jeanne Haster

Center. Mark your calendar for September 5, 1985, so you can be first in line.

The Speakers Bureau has been fairly quiet during the summer but we do appreciate the following attorneys who have spoken for OBA: **T. Geoffrey Lieben, Jim Regan, David Perlman, W. Patrick Betterman, Stephen R. Lundholm, Michael Rubach, Steven J. Lustgarten** and **Judge Robert V. Burkhard**.

Our photographer for the Newsletter, **Brian Zdan**, has received very little credit for all the time he devotes to filming OBA for history . . . for instance, Law Day he was "on the scene" so to speak from the time the ambassador arrived. We thank him for his willingness to serve over and beyond the call of duty.

In reading back over this column, it sounds like a long thank you note but there are times — more than we do — that people deserve extra credit. Without them, the bar association would not be what it is today. Of course, we always welcome new faces and constantly need new help!

See you September 5th at the Fall Kickoff . . .

**Mardee**

P.S. The computer and I are having lots of fun these days. The first few weeks were rugged . . . I thought computers were suppose to have brains and couldn't understand why it wouldn't do what I wanted it to do . . . it, in turn, was probably equally frustrated wondering what that "crazy lady" **real-ly** wanted it to do! Now though, we are friends.

**For WESTLAW service**  
**call Douglas County Law Library -**  
**444-7174**

# FIELD DAY AWARDS

## GOLF: Omaha Country Club

Low gross winner: Tie  
John Bachman and George Rebensdorf — 77

Low gross runner up:  
Bob Roach — 78

Low gross foursome winners:  
Richard Putnam, Michael Sullivan, Tom Garvey and Rick Sanders — 340

Low net winner: Tie  
Scott Dosek, Doug Oldaker, Bob Lepp, Judge Francis McLane and Bill Stillmock — 69

Low net foursome winners:  
Judge Francis McLane, Judge William Ryan, Judge Donald Hamilton and Tom Moore — 290

## MIRACLE HILLS

Low gross winner:  
John Wilke — 75  
Low gross runner up:  
Don Tracey — 77  
Low net winner:  
Mikal Claar — 94

## TENNIS:

Mixed doubles winner —  
Rich Johnson and Charlotte Conner  
Men's doubles winner —  
Bob Zuber and Nate Schwalb  
Women's doubles winner —  
Elizabeth Borchers and Denise Hill

## TRAP SHOOT:

High scorer: Tie  
Al Grauer, Jeff Marcuzzo and Bill Stockdale  
High pickup: Tie  
Wes Hauptman and Tom McGuire  
Ladies:  
Kathleen Cook  
Most improved shooter:  
Jim Fenlon



Dennis Moran; Kathleen Cook; Parker Shipley, Field Day chairman; Wayne Douce. Field Day Chairman Parker Shipley resorts to the squeeze bunt in order to score during Field Day.

# Jury Verdicts from April, May and June panels

## FOR PLAINTIFF

**835-359 Kathryn Vanderloo vs. Keith Swenson**  
Judge: Lawrence Corrigan  
Attorneys: Ronald Palagi and Eugene P. Welch, Ed Warin

Case: Automobile Accident  
Specials: \$1,066.65  
Verdict: Plaintiff \$21,000

**835-793 Lavicia Johnson vs. Winnifred Fox**  
Judge: Jerry Gitnick  
Attorneys: Dennis E. Martin and Milton A. Katskee

Case: Automobile Accident  
Specials: \$5,749.40  
Verdict: Plaintiff \$27,801.89

**826-036 Carolyn Long vs. John Kirk**  
Judge: James Buckley  
Attorneys: H. Daniel Smith and John W. Wilke  
Case: Personal Injury  
Specials: \$12,000.00

Verdict: Defendant on plffs. 1st cause Plffs. on def. 2nd cause — \$48,750.00

**836-362 Arthur Ludwigs vs. Michelle M. McCann & Elmer McCann, Jr.**

Judge: Lawrence Corrigan  
Attorneys: James T. Gleason and Eugene Welch  
Case: Automobile Accident  
Specials: \$3,939.15

Verdict: Plaintiff \$8,750.00

**836-158 Fern Brewer vs. Mark A. Baker**

Judge: Robert V. Burkhard  
Attorneys: David J. Cullan, Virginia Cullan and Alan L. Plessman

Case: Automobile Accident  
Specials: \$25,000

Verdict: Plaintiff, \$5,500.00

**829-797 John DeLoa vs. Tom Reyes**

Judge: Paul Hickman  
Attorneys: Jerry Pettif and James McBride  
Case: Assault (stab wound)  
Special: \$6,847.55

Verdict: Plaintiff \$6,916.55

**838-419 John Lincoln vs. Janette Burks**

Judge: Stephen A. Davis  
Attorneys: Steve Lefler and Richard Spethman  
Case: Motorcycle/Automobile Accident  
Not alleged

Verdict: Plaintiff \$35,000

**834-002 Farmers State Bank vs. Murray Schmoker**

Judge: Jerry Gitnick  
Attorneys: Gary Dolan and Vincent Powers  
Case: Unpaid principal  
Specials: \$44,368.37  
Verdict: Directed for plaintiff

**833-557 Verne Christensen vs. Catherine Smola**

Judge: John Clark  
Attorneys: Michael Lehan and Ron Krause  
Case: Automobile Accident  
Specials: \$3,206.20  
Verdict: Plaintiff \$15,000.00

**758-284 Forker Solar vs. John K. Knoblauch**

Judge: Donald Hamilton  
Attorneys: John Hartigan and David Herzog  
Case: Fraud  
Specials: "In excess of \$97,617.00"  
Verdict: Plaintiff \$67,616.00

**804-008 Lillard Loffin vs. Masters Electric**

Judge: J. Patrick Mullen  
Attorneys: E. Michael Fabian, Barbara Thielen and Jerry Merwald

Case: Negligence  
Specials: \$25,000  
Verdict: For Plaintiff: \$15,000

**821-104 Tim Mallette vs. Taylor & Martin Real Estate**

Judge: Theodore Carlson  
Attorneys: Neil W. Schilke and James R. Place  
Case: Fraud  
Specials: \$32,053  
Verdict: For Plaintiff: \$32,053

## FOR DEFENDANT

**830-494 Christine Kerky vs. Clara Bell Brisbane**

Judge: Stephen A. Davis  
Attorneys: Dennis E. Martin and Alan L. Plessman  
Case: Motorcycle/Car Accident  
Special: \$2,015.90  
Verdict: Defendant

**742-157 Winkle & Allphin vs. Godfather's Investment Inc.**

Judge: Robert V. Burkhard  
Attorneys: Mike McCormack, Pat Brock and Eugene Welch

Case: Breach of Contract  
Not alleged  
Verdict: Defendant

**835-017 Cynthia Dean vs. Geraldine Hallgren**

Judge: Jerry M. Gitnick  
Attorneys: Dennis Smouse, John Ellis and Tom Otepka

Case: Automobile Accident  
Specials: \$1,742.76  
Verdict: Defendant

**834-870 George Dahir vs. Union Pacific Railroad**

Judge: James Murphy  
Attorneys: Ronald Rosenberg and Brenda Warren

Case: Wrongful termination of employment  
Specials: Not alleged  
Verdict: Directed verdict — Defendant

**834-227 Donald Bastemeyer, Sr., vs. ARA Transportation Inc.**

Judge: James Buckley  
Attorneys: Dennis J. Mullin and William J. Riley  
Case: Automobile Accident  
Specials: \$14,764.50

Verdict: Def. on plaintiff's petition and for the plaintiff on both of def's. counterclaims.

**833-768 Raymond A. Norquay vs. John R. Gleason U.P.R.R.**

Judge: Stephen A. Davis  
Attorneys: Donald Loftus and Gayla L. Fletcher  
Case: Personal Injury  
Specials: \$21,975.78  
Verdict: Defendant

**828-455 Frances Autenrieth vs. Robert Muffly, M.D.**

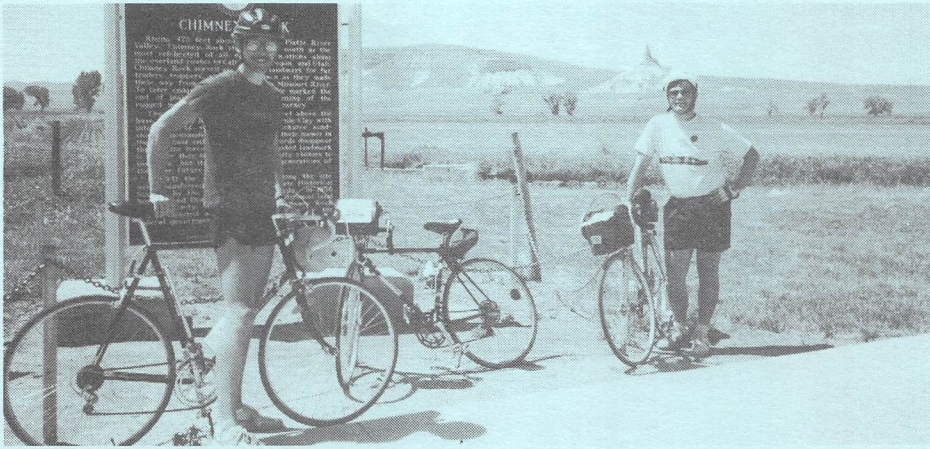
Judge: James Murphy  
Attorneys: James Welsh and William Lamson  
Case: Malpractice  
Specials: Included in general damages

Verdict: For Defendant

**829-522 Thelma Bell vs. Williams Care Centery**

Judge: Robert Burkhard  
Attorneys: Charles Scudder and Joseph Bataillon  
Case: Negligence  
Specials: \$38,321.90

Verdict: Defendant



Gerry Frederichsen and Bill Riley show how easy it is to bicycle 550 miles as they relax after another easy day.

## Attorneys Spin Wheels Across Nebraska

While many members were leisurely enjoying the Bar Association's Field Day activities on June 3, 1985, three members were fighting gale-force headwinds as they pedaled along the north shore of Lake McConaughy. **Glenda Pierce, Jerry Friedrichsen** and **Bill Riley** of the **Fitzgerald Brown** law firm were among 550 persons who participated in the fifth annual edition of BRAN, the Bicycle Ride Across Nebraska.

The seven-day 550 mile trek took the riders from the Wyoming-Nebraska border to NP Dodge Park, with overnight stops in Bridgeport, Ogallala, Cozad, Loup City, Central City and North Bend.

The ride was organized by the Omaha Pedalers and Northwest Rotary of Omaha, who made arrangements for campgrounds and showers for the bikers along the route. A caravan of support vehicles followed the riders, including a baggage truck, bicycle repair shop vans, and several volunteer "sag wagons," vans which helped injured or exhausted bikers by taking them to the overnight stop.

Notwithstanding sore posteriors, knees, hands, shoulders and necks, the three attorneys will ride again — maybe.

## Law Library — Annual Report

Size of Collection: 144,098 volumes.

- I. Number of Visits by Practicing Attorneys: 1,605.
- II. New Services to Practicing Attorneys:
  - 1) PHINET (Prentice-Hall Information Network). Taxation Database accessible by computer.
  - 2) Telefacsimile: Timely delivery of photocopies of legal books, documents, through telephone lines and digital transceiver.
- III. Special Gifts:
 

Sir Joseph Gold, father of law graduate Julia Gold and father-in-law of law graduate Robert Zielinski, has given to the Law School Library a most valuable collection of law books on the International Monetary Fund. Sir Joseph is Senior Consultant to the International Monetary Fund.

### IV. Educational Computer Services:

- 1) LEXIS
- 2) WESTLAW

Creighton law students have the opportunity to develop computer-assisted research skills on the two major computerized legal research systems.

### V. Reference Questions answered by Law Library Staff: 3,872.

### VI. Inter-library Loans:

Creighton University Law Library loan 150 volumes and/or photocopies to other libraries during the course of the year.

### VII. Cost of Library Service:

Books and films:	\$201,888
Computer services and communication costs:	\$ 18,000

Total Budget for Library Services for Fiscal Year 1984-1985 \$481,985

## OMAHA BAR ASSOCIATION

President ..... John C. Burke  
 President-Elect ..... Keith I. Frederick  
 Secretary ..... Richard C. Croker  
 Treasurer..... Kathleen A. Cook

### Executive Council:

Joseph O. Kavan  
 Joseph K. Meusey  
 John P. Mullen  
 Terrence D. O'Hare  
 Richard J. Spethman  
 Bruce D. Vosburg

### Immediate Past President:

Charles V. Sederstrom

### Executive Director:

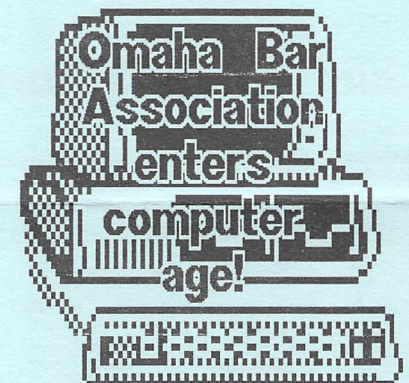
Mardee M. Korinek

### Executive Secretary

### Lawyer Referral:

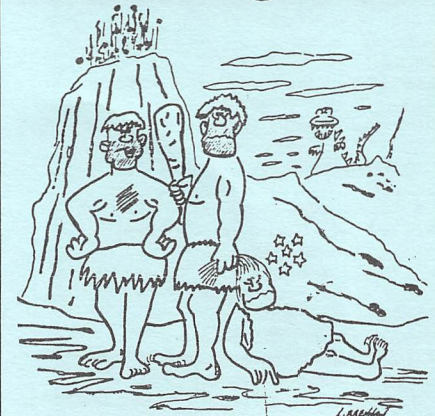
Cecelia C. McNamara

## FLASH!



The Omaha Bar Association is computerized thanks to the efforts of **Mark Goodall** who spent a great deal of time and energy in choosing just the right system that was needed. His committee consisted of **Ken Gaskins, Kathleen A. Cook** and **Brian Zdan**.

## Brennan's Legal World



"Nice going—as soon as you did that, she got half of everything you own!"

# IOLTA Program Begins Implementation

Attorneys and law firms in Nebraska are now able to participate in the **Interest On Lawyers' Trust Account (IOLTA) Program**. The Program, sponsored by the Nebraska State Bar Association, was authorized by the Nebraska Supreme Court in a Ruling issued May 15, 1984.

Following that ruling, the Nebraska Lawyers Trust Account Foundation (NLTA) was incorporated on July 10, 1984, and the Board of Directors has been actively setting in place the framework to begin implementation of the IOLTA Program.

The program, as established by the Nebraska Supreme Court rule, allows attorneys/law firms to convert their traditionally non-interest bearing client trust accounts to NOW or Super NOW accounts with the interest paid on those accounts, net of any service charges or fees, remitted to the Nebraska Lawyers Trust Account Foundation. NLTA will disburse the money to the three legal services programs in Nebraska that provide free legal assistance to the poor and to the pro-bono component of the NSBA Lawyer Referral Program.

Those clients' trust deposits which are small in amount or held for a short period of time have, until now, historically been placed in non-interest bearing checking accounts. The banks have been able to enjoy the free use of these lawyers' trust funds. With IOLTA these formerly unproductive funds will begin to earn interest for legal services programs.

The IOLTA Program does not change current trust fund practices, for lawyers will continue to exercise their discretion in determining whether a given client's trust deposit is of sufficient size or du-

ration to justify placement in a separate interest-bearing investment, with the interest payable directly to the client.

This innovative source of funding comes at a critical time for the legal services programs who serve the poor. The three major legal services programs in Nebraska, as in other states, are under a serious threat of further reduction in funding for 1986. Sister Tim O'Roark, Program Director of the Legal Aid Society in Omaha, reports "Legal Aid Society in Omaha is facing an \$80,000 shortfall in 1986 over 1985. The staff has already been reduced from 15 attorneys in the Omaha office in 1982 to a present complement of 7 attorneys. These 7 attorneys are charged with servicing an area that includes over 42,000 people living below the poverty guideline."

As described by the Project Advisory Group of the Legal Services Corporation, "**Legal services is not only the 'safety net of the safety net' for the elderly, the disabled, single mothers and millions of children, its lawyers often are their sole link to the fair and well-ordered society which most Americans take for granted.**"

According to **Jeanne Haster**, Executive Director of NLTA, the process for attorneys wishing to convert their present non-interest bearing accounts to IOLTA accounts is easy. "All that an attorney need do in order to participate is sign a one-page 'Notice Agreement' directing his/her financial institution to convert his/her present non-interest bearing trust account to an interest-bearing IOLTA account. The attorney probably will not even need to sign new signature cards, and continues to use the same account number, checks

and deposit slips."

A self-addressed "Pledge Card" will be included in the next issue of the NSBA Newsletter which attorneys may send to NLTA to express their desire to participate in the IOLTA Program. NLTA will contact the financial institution noted on the card to be sure that the institution has agreed to the program. NLTA will then provide the 'Notice Agreement' to the attorney to send to the financial institution to begin participation.

Although new to Nebraska, the IOLTA Program has a history dating back to the early 1960's in various Canadian provinces and Australian states. By 1972, there were 22 English-speaking jurisdictions with such programs, generating at that time, millions of dollars each year for the funding of law-related programs.

IOLTA Programs first came to the United States in 1976, when the Florida Bar petitioned the Florida Supreme Court to adopt a program. Its implementation, however, was delayed for three years while various tax questions were negotiated with the Internal Revenue Service.

The Florida program began operation in September of 1981, since then 36 states have adopted IOLTA Programs, 21 of which are in operation and generating funds. The rest, including Nebraska, are in the process of implementation.

For more information about the IOLTA Program, see the July, 1985 issue of the NSBA Newsletter and/or contact Jeanne Haster, Executive Director, Nebraska Lawyers Trust Account Foundation, The Law Building, Suite 300, 500 South 18th Street, Omaha, Nebraska 68102; telephone: (402) 341-0197.



## Law Day Visit

At upper left, Sir Oliver Wright, British Ambassador to the United States, arrives from Washington D.C. on April 30, prior to addressing the Omaha Bar at the Red Lion Inn on Law Day. At lower left, Sir Wright speaks to the Unicameral in Lincoln on the morning of May 1.

At upper right, the Ambassador poses (from right) with Omaha attorney Sam Jensen, Robert F. Krohn, president of HDR, Inc, and Gordon W. Jewkes, H. M. Consul General. At lower left, Sir Wright tours the State Capitol courtesy of Kay Orr, State Treasurer.

Photos by Brian Zdan



## DOUGLAS COUNTY LAW LIBRARY NOTES

NeLCms (Nebraska Library Communications System) provides the library with computerized access to Nebraska statutes and legislative bills. For a limited period of time, there will be no charge for this service.

Nebraska Attorney General opinions, which have not been published since 1980, are now available on WESTLAW, 1977 — present.

Through the cooperation of the United States Bankruptcy Court, District of Nebraska, the library will be receiving copies of written opinions as they are issued. An updated index will be maintained to all local bankruptcy decisions.

The library collection includes ordinances from the neighboring communities of Bellevue, Council Bluffs, La Vista, Lincoln, Papillion and Ralston, as well as the Omaha City Code.

Call **444-7174** for information and for computer-assisted research assistance.

### So They Said:

Marriage with a good woman is a harbor in the tempest of life; with a bad woman, it is a tempest in the harbor.  
— *J.P. Senn*

A man finds himself seven years older the day after his marriage — *Bacon*.

From my experience, not one in 20 marries the first love; we build statues of snow, and weep to see them melt.  
— *Walter Scott*.

## Omaha Bar NEWSLETTER

Omaha Bar Association  
2133 California Street  
Omaha, Nebraska 68178

## CALENDAR

### Sept.

3-13  
5 Thurs.

District Court **Jury Session**  
Omaha Bar Association **FALL KICKOFF**  
**First National Bank Center**  
Cocktails 5:30/Barbecue and Free Beer  
6:30-8:00 p.m.

30-Oct. 11

District Court **Jury Session**

### Oct.

1 Tues.  
10 Thurs.  
15 Tues.  
17 Thurs.  
1-4 Tues.-Fri.  
3 Thurs.

**WALK THROUGH THE OMAHA COURTS** sponsored by Creighton School of Law and the OBA

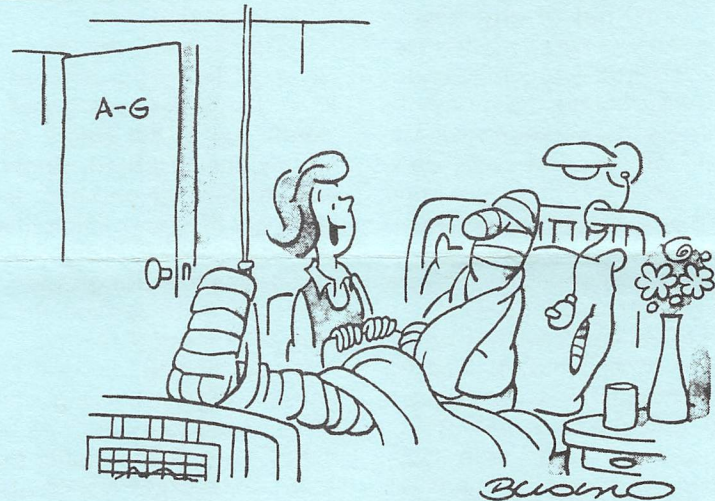
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**NSBA Annual Meeting** — Red Lion  
Reception for **James W. R. Brown**, NSBA President and Past-President of the Omaha Bar Association - 6:00 p.m.

WATCH FOR NOTICE OF  
OMAHA BAR ASSOCIATION MONTHLY MEETING

28-Nov. 4

District Court **Jury Session**



"Lucky it was you I backed the car into. We'd be in all kinds of trouble if it'd been a stranger."

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