



Omaha Bar NEWSLETTER

Vol. VI No. 2

February, 1985

Bob Spire appointed State Attorney General

By Rick Berkshire

Bob Spire, former President of the Omaha Bar Association, has been chosen by Governor Bob Kerrey as the new Nebraska Attorney General, and will take office March 1, 1985. He replaces Paul Douglas who resigned.

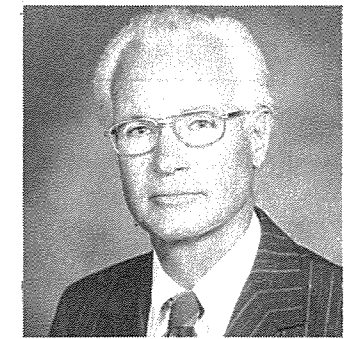
Spire, a 1952 graduate of the Harvard Law School, served on the Omaha board of directors of the Legal Aid Society from 1971 to 1979, and was president for three years beginning in 1972. He was a senior partner in the Ellick, Spire, and Jones law firm until he severed his ties to assume the duties of Attorney General.

The current four year term of the Attorney General expires in 1986. Spire said "I haven't made any decision at all on whether or not I'll run for the office in 1986. This opportunity came up so suddenly. I'm so busy getting settled

in Lincoln and getting disconnected from my practice in Omaha that I just haven't had time to think about it."

When the time comes to decide, Spire indicated that the factors he would consider would be "how well I am doing the job, and whether I like it or not." He doesn't know when he will make the decision, but did say that it would be "well in advance" of the election. If he does not run for reelection, Spire indicated that he would return to private practice, probably in Omaha.

Regarding the appointment, the Omaha native stated "I didn't expect it at all. I considered it for three days, and it was a very agonizing decision." He thought his contact with the Governor during the time he headed Kerrey's special task force on the Christian Schools played an important role in his



Bob Spire

selection. Kerrey himself considers Spire to be a "gift to the people of the State of Nebraska" and was "surprised" when he received an affirmative reply. "He has all the requisite skills to get the job done, and he has the integrity, the honesty, and the capability to do it," Kerrey noted.

Spire said that he brings no great plans with him to the office. "Right now I am learning what is involved in the office, meeting the staff, and learning the basic operating philosophy. After I have accomplished that I can decide whether to keep things as they are or to change them. However, I intend to have a firm grasp of the situation before there are any changes," he said. "I have found that the staff is composed of very talented and dedicated people, and that they are doing an excellent job in my opinion."

Spire brings with him a great deal of experience of public service on other boards and organizations. In addition to his status as a past president of both the Omaha Bar and Nebraska State Bar Associations, Spire has served on the Boards of the University of Nebraska Foundation, the Urban League of Nebraska, and was President of the University of Omaha Board of Regents.

He enjoys tennis, and is an accomplished musician, having attended the Juilliard School of Music in New York.

Kutak Cited For Special Merit Award

One of the Nebraska State Bar Association's 1984 Public Service Awards was presented posthumously to **Robert J. Kutak** by NSBA President **William P. Mueller** of Ogallala at the Association's Annual Meeting in October.

The Bar's Executive Council presented its **Award of Special Merit** to the late **Robert J. Kutak** of Omaha for his extensive work with the American Bar Association's Commission on Evaluation of Professional Standards. The Commission, known generally as the Kutak Commission, undertook a complete revision of the Code of Professional Responsibility, which is the lawyers' code of ethics. Kutak died suddenly in 1983, just a few days before the American Bar Association adopted his commission's Model Rules of Professional Conduct. The award also cited Kutak's work as a director of the National Legal Services Corporation, his extensive efforts in corrections reform and criminal justice, and his advocacy for legal education.

Mr. Kutak's award was accepted by his law partner **Harold L. Rock**.

Explorer Posts Formed

The Omaha Bar Association, through the Public Service Committee again this year is providing volunteer attorneys to work with groups of students who are or may be interested in ca-

CALENDAR	
Nov. 29 Thurs.	Barristers Club Skit Writing Party Thomasville Apartment Clubhouse at 6:30
30 Fri.	OLS Christmas Party
Dec. 3-14	District Court Jury Session
7 Fri.	Barristers Club Skit Writing Party — Thomasville Apartment Clubhouse at 6:30
10 Mon.	Barristers Club Skit Writing Party — Thomasville Apartment Clubhouse at 6:30
13 Thurs.	Barristers Club Christmas Party — Holiday Inn Central
19 Wed.	Happy Hanukkah!
25 Tues.	Merry Christmas!
Jan. 1 Tues.	Happy New Year!
7-18	District Court Jury Session
24 Thurs.	Omaha Bar Association meeting at Anthony's Cocktails 5:30/Dinner 6:30
Feb. 4-15	District Court Jury Session
21 Thurs.	Omaha Bar Association meeting at Anthony's Cocktails 5:30/Dinner 6:30

reers as lawyers or in learning more about law generally. This has been done successfully the past few years under the auspices of the Metropolitan Explorers organization. The program emphasizes actual student participa-

tion in a number of activities connected with the legal profession and the justice system. It provides a unique opportunity for young people to learn from and about practicing attorneys. **Diana Fuller** is the organizing attorney.

Omaha Bar NEWSLETTER

Omaha Bar Association
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Judge Murphy Dead at 59

By John W. Wilke

Former Douglas County District Court Judge John E. Murphy died November 21, 1984 at Bergan Mercy Hospital of cancer diagnosed last July. He was 59 years old at the time of his death.

Murphy was a Municipal Court Judge from 1957 to 1960 and served on the District Court bench from 1960 to 1978. In 1978, he resigned and became general counsel for Blue Cross-Blue Shield of Nebraska.

A native of Omaha, Murphy received his law degree from Creighton University in 1950 and practiced law in Omaha until his appointment to the Municipal Court bench in 1957.

He served in the United States Army during World War II and also was an officer in the United States Army Reserve. He was a past president of the Kiwanis Club of North Omaha and a past dis-

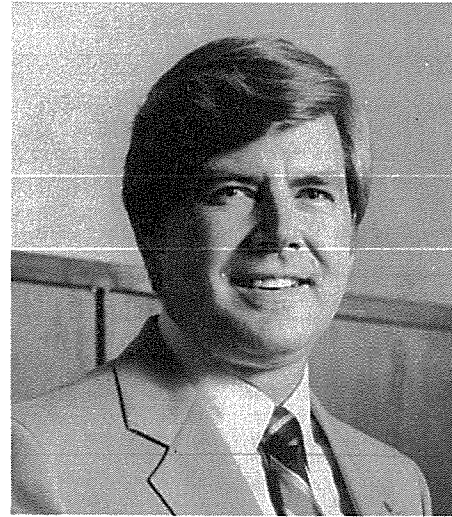
trict governor of Kiwanis International.

During his 18 years on the bench, Judge Murphy handled many notable cases, including the bribery/conspiracy trial of former Mayor Dworak, the big green lottery, the 84th Street tunnel controversy and the constitutionality of Nebraska's drunk driving law.

Judge Murphy is survived by his wife, Mary Beth of 7005 Minne Lusa Boulevard, and eight children: three sons, Michael, Daniel and Joseph, and five daughters, Colleen, Mary, Elizabeth, Susan and Theresa.

Murphy was widely thought to be a man with integrity, judicial temperament and an ability to handle complex issues. He left a legacy of judicial independence and intellectual sincerity. Judges can wish to be remembered for little more than that.

Message From The President



Charles V. Sederstrom

OMAHA LEGAL SECRETARIES ASSOCIATION

The Omaha Legal Secretaries Association was organized on September 24, 1958 and has been an active part of Omaha's legal profession since that time. The Association is a nonprofit corporation open to membership by persons engaged as a legal assistant, law office administrator, legal secretary, stenographer, typist or clerk in any law office. Any person employed by a court, a trust department of a bank or trust company, or in any public or private institution or office directly engaged in work of a legal nature is entitled to join the Association.

OLSA continually strives to upgrade the knowledge of its members through continuing legal education training programs and cooperates with the judiciary in promoting a high order of professional standards and ethics in the legal profession.

The Professional Legal Secretary program offers an incentive and means by which a legal secretary with five years legal experience can obtain professional recognition upon the successful completion of a comprehensive two-day examination. Upon passing the examination, a certificate stating that the legal secretary is qualified to perform all the duties which may be required in any size law office is granted. OLSA supports this program by offering a PLS library and study group for those members interested in obtaining this certification.

OLSA has published the *Nebraska Legal Secretary's Handbook* which is periodically updated and which contains forms for everyday use in a law office,

including information about court procedures. The Association also sponsors a "Day in Court" program to acquaint members as well as nonmembers with court procedures.

Why should your secretary belong to this organization and why should you support his or her membership? OLSA acquaints members with up-to-date procedures and businesslike methods which are a benefit to your law offices. Membership in OLSA gives legal secretaries increased self-confidence in their ability to communicate with clients, courthouse personnel and co-workers. Members are able to exchange ideas, and communications between law offices improves as the legal secretaries become acquainted. Many members devote their free time to assist the bar association at Field Day, conventions, seminars and meetings by manning registration desks. Those who serve in this capacity gain an awareness of the broad scope of law and develop greater respect for the role played by attorneys in society.

OLSA also has various social functions such as Casino Night, the proceeds of which fund a scholarship for a student in the Omaha area who intends to pursue a career in the field of law.

I urge you to support this professional association and encourage the secretaries and/or staff in your office to learn more about what this association can do for you and for them.

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

Omaha Bar Association

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Expert Witness can be Valuable Trial Tool

By Jim Waldron

Serving as an expert witness in a trial can place scientists and medical experts in an ethical dilemma, according to **Dr. John Vasiliades**, Associate Professor of Pathology and Pharmacology and Technical Director of Clinical Chemistry and Toxicology at Creighton University/St. Joseph Hospital.

Too often, Vasiliades said, defense attorneys will simply present lab reports to an expert witness and ask him to "find a loop hole" rather than actually evaluate the report.

Rather than "poke holes in the lab reports", Vasiliades argues that the expert should hold the lab results up to a strict set of scientific and professional standards to make sure the testing was done properly.

"I would like to see that established scientific standards were used in sample analyses and the blood tests, that the data was properly interpreted, and to make sure that all record keeping was done accurately and under strict quality control standards," Vasiliades said.

He agrees with a forensic scientist who wrote, "a scientific test without an accompanying report of the testing environment, number of trials, raw results and analyzed data is in reality no test at all."

The ethical quandary occurs when the expert witness is dismissed from the case because his findings are not what the defense attorney wanted to hear.

What are the ethical obligations of the expert witness to reveal his interpretation of the true facts?

Vasiliades advocates a judicial rule that requires the expert witness to reveal the results of his findings. Vasiliades feels this would eliminate the professional and ethical dilemma and would also serve the best interest of justice.

Vasiliades cited two professional articles that attorneys might refer to for further information: "Review and Opinion", *Journal of Forensic Sciences*, 29 1164-1142 (1984) and "Ethical and Moral Dilemma Confronting Forensic Scientists", *Journal of Forensic Sciences*, 29 966-986 (1984).

Vasiliades who received his Ph.D. in Analytical Chemistry from the University of Nebraska in 1971, has been on the faculty at the University of Alabama in Birmingham and University of Michigan prior to coming to Creighton University,

Notes From OBA's Executive Secretary:

The American Bar Association has announced that the 1985 Law Day U.S.A. theme is "Liberty and Justice for All."

Brochures for 1985 Connexion Cruises and tours are available at the OBA office. As a member of the Omaha Bar Association this is a unique benefit made available to you. This program offers cruises on Princess, Royal Caribbean, Royal Viking and NCL — 88 cruises in 1985 with worldwide itineraries and discounts of 5% to 25% on selected sailings. Why not surprise your spouse??

For over a year now, **Pat Grewe** has served as chairman of the Membership and Attendance committee. This means that one of his jobs is to attend

the monthly bar meeting and handle finances at the door. Our thanks to him for serving so conscientiously and having the collected money turn out right — usually down to the last penny! . . . there must be a banker in his family tree.

It is that time of year to check to **be sure you paid your bar dues** in January. Our total membership in 1984 was 1,276 — 61 over 1983. It would be great to keep the organization growing at that rate . . . so keep those memberships coming in!!! Lawyer Referral sign-ups will be April 1.

The number of women attorneys in OBA also increased from 141 in 1983 to 161 in 1984. **Tamra Wilson** and **Kathleen Cook** have been instrumental in

promoting increased participation among the women. Thanks for their extra effort.

Our Speakers Bureau sent out nineteen speakers during 1984 with several already scheduled for 1985. Recently, **Judge James M. Murphy**, **Mary G. Likes** and **Jerry Moran** presented an "American Justice" panel at Westside High School; **Peter Marchetti** spoke for a group of Carpenter Paper employees; Omaha West Rotary Club was host to **Wallace H. Johnson**. Our thanks to them for this public service.

The annual Medical/Legal dinner is scheduled for Tuesday, March 12 so hope to see you there . . .

Mardee

Jury Verdicts:

October, November and December Panels

796-328 Hydroflo Corporation vs. First National Bank of Omaha

Judge: Donald Hamilton
Attorneys: C. L. Robinson and Thomas Culhane, Robert Sosnik
Case: Negligence
Specials: \$25,990.20
Verdict: For Plaintiff: \$17,347.57

832-602 Dan K. Wright vs. United Services Automobile Association

Judge: Steven Davis
Attorneys: Cynthia Irmer, Martin Cannon and James Knowles, Sr.
Case: Automobile Accident
Specials: \$300,000
Verdict: For Plaintiff: \$2,382,056.58

816-164 Agnes Hesterlee vs. Timothy J. Karstens, and James L. Karstens

Judge: Donald Hamilton
Attorneys: Thomas Penke, John J. Higgins, Jr. and Joseph Jones
Case: Automobile Accident
Specials: \$2,854.61
Verdict: For Plaintiff: \$13,000

816-224 Alma Schultz vs. Skaggs Drug Centers, Inc.

Judge: James Buckley
Attorneys: Larry Taylor and Patrick Donahue
Case: Slip and Fall
Specials: \$42,000
Verdict: For Defendant

829-47 Michael Simet vs. Della Fox

Judge: Samuel Caniglia
Attorneys: Steven Lathrop and Daniel Chesire
Case: Automobile/Motorcycle Accident
Specials: \$11,510.25
Verdict: For Defendant

833-038 Ronald Hennis vs. Michael O'Connor, et al

Judge: Theodore Carlson
Attorneys: Eugene Welch and Robert J. Harrap and William R. Johnson
Case: Slander
Verdict: For Plaintiff: \$10,000

811-208 Ovaline Products, Inc. vs. Omaha Cold Storage Terminals, Inc.

Judge: Donald Hamilton
Attorneys: John Green and Victor Lich
Case: Negligence
Specials: \$25,568
Verdict: For Plaintiff: \$25,000

829-162 Carl H. Anderson, Jr. vs. John Dumpke

Judge: Donald Hamilton
Attorneys: Jarve Garrett and Timothy Streff
Case: Contract
Specials: \$1,964.72
Verdict: For Defendant

829-117 Howard S. Kimball vs. Keith Welch and Donald K. Welch

Judge: Theodore Carlson
Attorneys: Gary Nedved and Mike Fitzgerald
Case: Automobile Accident
Specials: \$50,501.32
Verdict: For Plaintiff: \$1,550.00

831-223 Lee W. Kingston vs. Western Heritage Museum of Omaha, Inc.

Judge: Steven Davis
Attorneys: John Carpenter and John Wilke
Case: Negligence
Specials: \$39,654.99
Verdict: For Defendant

832-425 William J. Meyers, a Minor, By and Through Dorothy L. Myers vs. Gale Richardson

Judge: Donald Hamilton
Attorneys: Jim Knowles and Dan Stoller
Case: Negligence
Specials: \$2,104.00
Verdict: For Defendant

833-637 Elizabeth M.R. Cuffel vs. Esther Anderson Williams

Judge: Theodore Carlson
Attorneys: John Thomas and Joseph Meusey
Case: Automobile Accident
Specials: \$17,510.70
Verdict: For Plaintiff: \$44,000

836-750 Michael Lynn Vitlito vs. Steven Richard Langenfeld

Judge: James Buckley
Attorneys: Steve Lefler and Robert Rossiter
Case: Automobile Accident
Specials: \$2,600
Verdict: For Plaintiff: \$7,657.39

828-851 James M. White vs. Robert E. Lovgren, M.D. and Jane Doe, real name unknown

Judge: Theodore Carlson
Attorneys: Robert Roach, Steve Rubis and William Lamson, Joni Kerr.
Case: Medical Malpractice
Verdict: For Defendant

114-786 State of Nebraska vs. Caroline Joy

Judge: Keith Howard
Attorneys: Thomas McKenney and Donald Kleine
Case: First Degree Murder
Verdict: For the State

115-466 State of Nebraska vs. Billie L. Reilly

Judge: Robert Burkhard
Attorneys: Thomas McKenney and Thomas Riley
Case: First Degree Murder
Verdict: Directed for Defendant

832-462 Albert M. Sesemon, Jr. vs. City of Omaha

Judge: James Buckley
Attorneys: Eugene Leahy, Richard Schicker and Michael Goldberg
Case: Condemnation
Verdict: For Plaintiff: \$120,000

833-583 Julia J. Baber vs. Half Price Stores, Inc.

Judge: Steven Davis
Attorneys: Martin Penkwitz and Jerry Katskee
Case: Negligence
Specials: \$257.00
Verdict: For Plaintiff: \$5,000

833-791 Geneva Burns vs. Randy Ross

Judge: James Buckley
Attorneys: Robert Peterson and Robert Rossiter
Case: Automobile Accident
Specials: \$2,562.55
Verdict: For Defendant

780-371 State Bank, Palmer, Nebr. vs. Scoular - Bishop Grain

Judge: James Buckley
Attorneys: Steve Curry and Ed Hotz
Case: Third Party Secured Transaction
Specials: \$28,941.92
Verdict: For Plaintiff - \$28,941.92

806-242 Jonathan D. Brown vs. David A. Broyles

Judge: Donald Hamilton
Attorneys: David Herzog and Michael Nelsen
Case: Automobile Accident
Specials: \$1,860.88
Verdict: For Plaintiff: \$22,500

814-292 Donald J. Eich vs. Kenneth Lee Miller and John D. Miller

Judge: Theodore Carlson
Attorneys: Joseph Daly and Michael Mullin
Case: Automobile Accident
Specials: \$575.00
Verdict: For Defendant Kenneth Miller, For Plaintiff (Directed against John Miller): \$4,042.66

Municipal Court Focus

Vondrasek concentrates efforts on rehabilitation

By Jerry Friedrichsen

Judge Robert C. Vondrasek gets as much satisfaction in helping people with alcohol abuse problems as any other part of his job as a municipal court judge. "When I first came on the bench in 1973, it was mind-boggling how extensive alcohol abuse was, and it was not limited to D.W.I. cases," he observes.

According to Judge Vondrasek, alcohol is a factor in more than fifty percent of the criminal cases on the Municipal Court Docket, and also is a factor in many civil cases. As examples of the latter, Judge Vondrasek cited cases involving persons who don't pay their bills or who write bad checks. Through his contact with these people as a Municipal Court Judge, Vondrasek is able to channel some of them to alcohol rehabilitation programs. "It is very satisfying when someone with whom I have had contact comes back a year or two later and expresses their appreciation for the role I played in helping them overcome their alcohol problem."



Robert C. Vondrasek

Vondrasek's involvement with alcohol rehabilitation does not stop at the courthouse steps. He is a member of the board of the Omaha Area Council on Alcoholism & Drug Abuse, serving as chairman in 1981-82. He has also served on a number of ad hoc committees consisting of business, community and government leaders that have established detoxification centers in the city.

When asked what he did not like about his job, Judge Vondrasek re-

sponded by naming the World Herald. "Too often the news media take as gospel truth statements demeaning the Municipal Court without getting the facts." In making that statement Judge Vondrasek was referring to recent articles and an editorial criticizing the court concerning prosecution of people for failure to appear in Municipal Court.

Court criticism also prompted a comment about the Bar Association. "Municipal Judges need understanding and strong support of the Bar Association when the Municipal Court is criticized unfairly by the media," he believes.

Vondrasek was appointed to the Municipal Court bench in March 1973 by then Governor Exon. An Omaha native, he received his undergraduate

degree from Omaha University in 1957 and his law degree from Creighton University in 1958. He spent three years in the Navy serving as an attorney. "The experience I gained in the Navy still serves me today," he says. "It is very helpful in deciding some of the cases brought in Small Claims Court."

Following his duties with the Navy, Judge Vondrasek returned to Omaha where he practiced law as a sole practitioner until the time of his appointment to the bench. Prior to his appointment, Vondrasek was involved in Democratic politics, having served as chairman of the Douglas County Democratic Central Committee.

He has two children, a son, 25, who is a policeman and a daughter, 23, who is also working. Both reside at home with him and his wife Joyce.

Stephen Ahl selected to Federal Bankruptcy Court Bench

Lincoln attorney Stephen Ahl, has been chosen by the 8th Circuit Court of Appeals as the Federal Bankruptcy Judge for Nebraska, and will take office following a routine FBI check, possibly April 1, 1985. He was one of 16 applicants for the \$68,100 per year position, and succeeds David Crawford, who resigned last year after a three member panel recommended that he not be appointed as magistrate to hear bankruptcy matters.

According to Ahl, his practice has consisted primarily of trial work involving mainly insurance defense and business litigation. His practice in the Bankruptcy Court has been in the capacity of representing creditors, although he has handled occasional debtors filing bankruptcy.

"I will try to introduce changes into the system to improve the scheduling of cases for the convenience of the lawyers and parties involved," he indicated. He is aware of the criticisms of the current trial procedures of the court, and feels that there is room for improvement in that area.

"Also, I intend to get input from the attorneys currently practicing in the Bankruptcy Court, since I am aware that they will have some suggestions," he noted.

Ahl sees the function of the Court as

an arbiter between debtors and creditors, a function which has become more and more important as a result of the economic makeup of our society today.

There are two important changes Ahl would like to see in the immediate future. One is a better explanation of the decisions that come down in contested matters, in the form of written opinions, and the other is a second Bankruptcy Judge for Nebraska. Together these two reforms would provide litigants, attorneys and parties alike, with more thoughtful decisions and a better understanding for why a particular decision was reached.

Ahl feels that these changes would improve the system by "providing more uniformity in decision and giving an increased sense of fairness to the people, debtors, creditors, and attorneys, who come in contact with the Court," he noted. Although he expects to spend additional time writing opinions, the result could well be a decreased case load as the decisions in other cases become published.

Ahl left the Lincoln firm of Barlow, Johnson, DeMars, and Flodman January 1, 1985, to become Vice President and General Counsel to Runza Drive Inns of America, Inc., a Lincoln based fast food franchisor.

Legal Aid

By Brian Zdan

The Omaha Legal Aid Society is forming a pool of attorneys to whom the Society will refer clients with potentially fee-generating housing cases. There are however, certain restrictions and guidelines applicable.

New regulations regarding certain fee-generating cases have prompted the Society to establish the lawyer pool. Sister Timothy Marie O'Roark, director of the Society, said her organization acted in response to recent changes in rules from the Legal Services Corporation, the federal agency which administers money appropriated by congress for legal services for the poor.

Before the promulgation of new rules last year, federal regulations generally prohibited any local legal aid organization from accepting fee-generating cases. However, if private attorneys were unlikely to take a particular kind of case (because, for example, the potential fee were too small), legal aid offices would be free to work on that line of cases.

Now, however, tougher requirements forbid legal aid from handling any fee-generating cases with three exceptions. If the applicant can show that two lawyers in the private practice have rejected the case, if the community's legal referral service is not free to potential clients, if no attorney is willing to accept a case without a prepaid fee, then guidelines would permit the case to be handled.

Sister Tim notes that with post housing cases were the only "fee-generating" matters which the Omaha society took without first requiring two rejections from private attorneys. The Nebraska Landlord-Tenant Act provides for an attorney fee in some disputes. However, Sister Tim noted, the time spent developing a housing case, versus the likely award for attorney fees, and the generally nominal amount of the award, if made, makes this type of litigation unattractive for private lawyers.

Creating an attorney pool to handle fee generating housing matters would protect persons who do not have the wherewithal to obtain the two rejections required by the new regulation.

Sister Tim invites attorneys who want to be in the referral pool to contact her. In order to be included in the pool the attorney must agree to handle the case without charging a fee up front, and must also agree to handle the

matter on a contingency basis, with no fee paid unless a favorable result is obtained.

We will happily refer these cases to them, Sister Tim stated. Although she described litigation of housing cases as "significant work," she admitted that the typical award for attorney fees almost never justifies the time required to prepare the case. "Economically it's often a loser. But the work is justified if your goal is to assist poor people to obtain decent, safe and sanitary housing."

The biggest award that her office received, Sister Tim said, was \$1,000 in a case she handled. The trial in District Court lasted a full day and required 50 hours of preparation. She said that, except for housing cases, her organization's long-standing policy of turning down clients with fee-generating cases is still in effect.

Sister Tim described a typical housing case as one in which a landlord is trying to evict the client from a "placarded" building — a structure which the city code enforcement unit has determined to be unfit for human occupancy. An unethical landlord may sometimes pull the city's placard off of the face of the building and rent the house to an unsuspecting family. The Landlord-Tenant Act provides recourse for this breach of the landlord's warranty of inhabitation.

Under the Omaha Legal Aid Society's schedule of priorities for 1985, keeping people in their homes (i.e., housing cases) is second only to securing basic income for legal aid clients. The top-priority cases concern the unlawful denial of persons who may be entitled to social security, food stamps or other forms of public assistance.

Persons willing to join the housing pool should contact Legal Aid.

Public Service Award

The Public Service Committee of the OBA solicits your nominations for the 1985 recipient of the OBA's Public Service Award to be presented to a nonlawyer or organization who has contributed to public understanding of the law and the role of the law in the life of the community. Past recipients have been **The Daily Record, Crime Stoppers** and **KFAB's Don Johnson**. Please contact Michael Lazer, 13322 Millard Avenue, Omaha, Nebraska 68137 (895-0200) with your suggestions for this year's recipient by March 15, 1985.

The OBA/Creighton "Walk Through Courts in Omaha" Was Great Success

The OBA-Creighton "Walk Through Courts in Omaha" program was unique, innovative and a great success, as evidenced by its 64 registrants.

For the first time, new lawyers were given the opportunity to meet with the staffs of Omaha's various courts; to learn their written and unwritten rules of procedure; to have their questions answered; and to obtain names and telephone numbers for future assistance. All of this was accomplished through short seminars, scheduled at the end of four separate days.

While clerking experience may provide some of this information over a long period of time, it rarely includes an informal visit with the judges of the courts. **Judges Schatz, Beam, Burkhard, Moylan, Cavel and McGrath** not only visited with participants, but also shared their respective views on trial strategy and fielded questions.

Thanks to the fine efforts of the entire program staff and program coordinator, **Assistant Dean Barbara Gaskins**, the "Walk Through Courts in Omaha" seems destined to become an annual excursion.

Did you remember to pay your Omaha Bar Association dues????

Omaha Bar Newsletter



Co-Editors:

Richard N. Berkshire

Mardee M. Korinek

Staff:

Patrick J. Boylan

Lynne Timmerman Fees

Robert L. Freeman

Gerald L. Friedrichsen

Virginia Koerselman

Mary Gleason Likes

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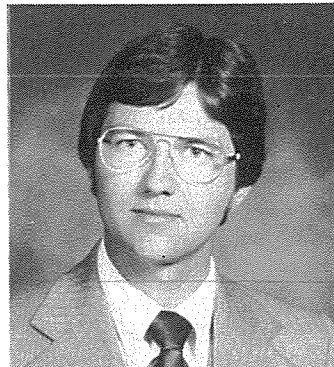
Brian Zdan

Other Contributors This Issue:

Carol Gendler

Robert G. Kelly

COMMITTEE FOCUS: Membership and Attendance Encourages Full Participation in the OBA



Patrick A. Grewe

Those friendly faces who greet us all at the monthly OBA meetings are the members of the Membership and Attendance Committee, chaired by Patrick Grewe. This committee's purpose is to maintain and enhance membership in the Omaha Bar Association.

This issue of the OBA Newsletter marks the committee's annual membership drive. All local attorneys will re-

ceive this issue. Pat encourages present members to renew. He would also like to urge you younger attorneys who have not yet joined to send in your dues!

Benefits of membership include free membership in the calendar year in which you are admitted and dues at one-half the regular \$50.00 until you've been admitted five years. Members also enjoy quarterly newsletters and monthly dinners and programs. Free attendance at Field Day and requirement of membership to attend the popular Fall Kickoff, and access to the Lawyer Referral Service roster are additional good reasons to join the OBA.

Last year's free video tape series on trial practice was well received, according to Pat. The recent program on upcoming tax legislation was also very popular, with attorney attendance twice the average 100.

In recent years, OBA membership has



J Terry McNamara, OBA Treasurer from 1972 to 1984, and Ben Shrier, outgoing President, receive their plaques at the monthly meeting, in commemoration of their service to the OBA. Terry was permitted to keep one of the bags of gold that he accumulated during his tenure.

grown at an increasing rate. This is encouraging to the committee, which is made up of David Begley, James Benak, Marcia Bredar, John Cotton, Patrick Coyle, Robert Decker, Charles Forrest, Robert Gonderinger, Judy Gotsdiner, Pamela Govier, Joni Kerr, Gregory Minter, James Pruss, and Mike Smith.

So join the OBA, and invite the new local attorneys you know to do likewise.

Barristers Club Christmas Party

Photos by Brian Zdan



John Wilke barks in an order to the gourmet law firm of the city, specifying that "partners is partners"



Music by Ron Ellis, the Liberace of the Barristers Club.



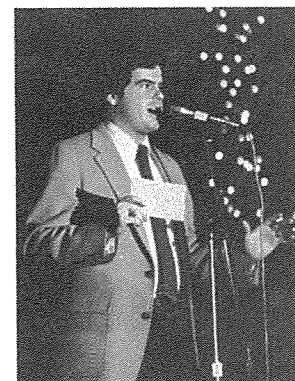
Pete Bataillon holds Bankrupt court with irregulars.



Bob Lepp pauses to ask Judge Cropper to quit begging for a "call" in the program. Barrister's Club spokesmen said Cropper just hadn't done anything "shocking or repulsive" this year.



Paul Eloffson awards Larry Brodkey and his now famous firm of associates with a yellow pages ad award.

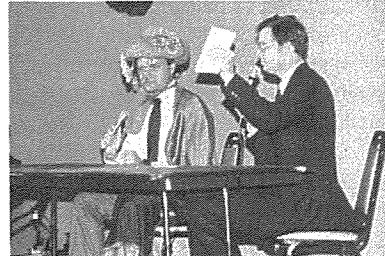


President Mike Mullin draws a chuckle for his only funny joke.

Captions by Rick Berkshire



Rudy Tesar proudly displays his brass balls award.



Jim Bachman (Carnac) can't remember what he wrote in the mayonnaise jar at noon today.

THE SHOW MUST GO ON

Editors Note: See pictures on page 6

In the most time-honored of theatre traditions, the Omaha Barristers Club staged their annual Christmas party while the first snow storm of the winter raged outside the Holidome at 72nd and Grover Streets. The blizzard-like conditions and sub-zero weather may have kept some theatre-goers at home close to their fireplaces but there was more than enough heat for some members of the audience in attendance at the show, and too much heat for at least a few of the more "roasted" ones.

The numerous ski-writing parties were put to good use in producing songs and skits that lasted a little over an hour. Barrister President Mike Mullin had everyone rolling in the aisles with his opening monologue. This year's show featured a retrospective look at past Barrister presidents in an eye-opening "WHERE ARE THEY KNOW?" segment. Also new this year were the "YELLOW JOURNALISM" awards inspired by the landmark *Bates v. Arizona State Bar Assoc.* Supreme Court decision and the advertising section of the Omaha phone book.

Those old crowd favorites: SAFE DRIVING AWARD and BRASS BALLS AWARD were performed with the usual aplomb. The many rousing songs had the crowd on its feet, narrowly side-stepping the laggards who were still rolling in the aisles from the after effects of the Mullin monologue.

Carnak, the Mystical One from the East, was warmly greeted by a crowd that had reached a fever pitch after the "Partners" skit which dramatically illustrated an avante-garde law office of the 80's. A moving rendition of "For He's a Jolly Good Fellow" in honor of an absent Judge Caniglia brought down the house as the lights were turned up shortly after 9 p.m. The crowd was buzzing over the critically acclaimed stage revue as they dispersed to the parking lot filled to capacity with Christmas Spirits.

Anyone interested in joining or finding out more about the Barristers should contact anyone of the following officers:

President, Mike Mullin	(344-4400)
Vice President, Joni Kerr	(397-0203)
Secretary, Tom Grennan	(392-1500)
Treasurer, Pat Boylan	(397-6200)

District Court Focus John E. Clark completes 25 Years of Service on Bench

By John Wilke

Judge Clark, age 60, was born in Omaha in 1924. He attended Omaha Technical High School which is now closed. After graduation, he entered the military and from June of 1943 to December of 1945 was stationed both here and in the South Pacific with the United States Navy.

After the war, Judge Clark enrolled in Creighton University where he pursued a two-year pre-law curriculum. In 1948, he went on to law school at Creighton and graduated in 1951.

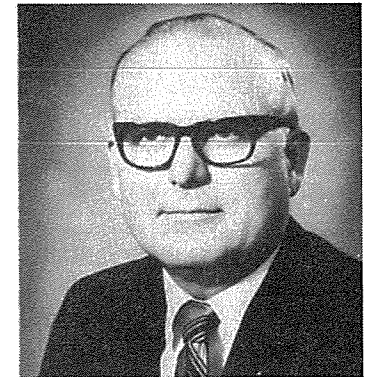
Following law school, Judge Clark became a special agent with the Federal Bureau of Investigation from June of 1951 to November of 1953. At one point during his 30 months with the Bureau, Judge Clark was assigned to internal security in New York City, investigating Communist party activities.

In 1953, the Judge became a Deputy Douglas County Attorney under Mr. Gene Fitzgerald, the then County Attorney. Later, John Hanley became the County Attorney. Judge Clark remained with the Douglas County Attorney's office for nearly seven years and for the first four, was allowed to engage in private practice on a part-time basis.

Clark ran for the Omaha Municipal bench and was elected in 1960. During his 12 years there he was presiding Judge for one term. Effective July of 1972, the Legislature had created a twelfth judgeship for the Fourth Judicial District and the then Governor J. James Exon appointed Clark to the District Court bench.

Judge Clark has been assigned to all four dockets (domestic, law, equity and criminal) during his nearly 13 years as a District Court Judge, but prefers the criminal docket. He spent two years on the domestic relations docket, two and one-half years on the law docket and is presently hearing equity cases. The balance of his judicial tenure as a District Court Judge has been dedicated to criminal matters.

The country docket system would result in all 12 Judges receiving their pro rata share of all four types of cases. Judge Clark commented that due to the multitude of cases being filed and the various areas of law, Judges too



John E. Clark

need to become as specialized, if not more specialized, than the attorneys representing the parties.

When asked to comment on the county docket system of case distribution and assignment, Judge Clark stated that he was opposed to the idea and added that he was in the minority among the 12 District Court Judges.

Judge Clark and his wife, Patricia, have four children: Nancy, Mary Jane, James and William.

Klutznick Law Library Installs Lexis

On January 23, Mead Data Central's LEXIS computerized legal research system was installed in Creighton University Law School's Klutznick Law Library.

Creighton University Law School is now equipped to familiarize its students with the cost-effective use of the two major computer-assisted systems of legal research, viz., WESTLAW II and LEXIS. Creighton graduates now have the opportunity to prepare for positions which require familiarity with these systems, e.g., clerkships to federal judges, as well as entry positions in high-tech law firms.

Medical/Legal Dinner:

Date:

Tuesday, March 12, 1985

Time:

Cocktails 5:30/Dinner 6:45 p.m.

Place:

Holiday Inn — Central

Speaker:

Governor Robert Kerrey

Douglas County Law Library Notes

The library maintains an up-to-date subject and case-name index to the Nebraska advance sheet, complete with parallel citations to NW2d. A complete file of 8th circuit slip opinions is also available.

Copies of Douglas County Law Library User's Guide and Guide to Computerized Research Services are available in the library. A bibliography of the library's Nebraska collection will be provided upon request.

AUTOCITE citation verification service is a valuable tool when checking or submitting a brief. For each citation entered AUTOCITE provides case name and parallel citations, jurisdiction, date, subsequent appellate history and ALR annotations.

TRADEMARKSCAN, an electronic database, includes all active and pending trademarks on file in the USPTO and published in the Official Gazette. Searches may be run on specific marks or names, products, product categories or owners.

APNews and UPNews databases contain the full text of reports transmitted on wire services, thus providing an efficient means of tracking information. The files are updated daily.

For WESTLAW, DIALOG, AUTOCITE and DOW JONES NEWS RETRIEVAL call 444-7174.

CALENDAR

Mar.

4-15
12 Tues.

District Court **Jury Session**

Medical/Legal Dinner — Speaker **Governor Bob Kerrey**

Cocktails 5:30/Dinner 6:45 — Holiday Inn, Central

23 Sat.

Creighton University School of Law presents annual **Update on Commercial Law** — 8:30 a.m.

Apr.

1
1-12
18-20
18 Thurs.

Reassignment of all cases on trial list

District Court **Jury Session**

NSBA — Mid-Year Meeting — Grand Island

Omaha Bar Association Meeting at Anthony's

Cocktails 5:30/Dinner 6:30

20-May 10

District Court **Jury Session**

May

1 Wed
6-17

Law Day — "Liberty and Justice for All"

District Court **Jury Session**

Field Day Notice

Omaha Bar Association Field Day Committee has announced that plans are underway for the June 3 Field Day to be held at the Omaha Country Club. This year June 3 falls on a Monday so mark your calendars now. In addition to golf and dinner, facilities at the Club will be available for trap shooting, tennis and swimming.

This year an attempt will be made to have a double shot gun start with

starting times in the morning and in the early afternoon.

Another sumptuous menu is being planned by the Omaha Country Club staff.

The OBA Field Day Committee is looking forward to another fun filled and well attended Field Day June 3, 1985 at the Omaha Country Club. Plan to attend and we'll see you there.

Omaha Bar

NEWSLETTER

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Omaha, Nebraska 68178

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