

# Omaha Bar Association NEWSLETTER

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Frederick on attorneys:  
New image needed  
for '80s —Page 2



# OBA's Frederick Works on Turnaround for Attorneys Image

by Jeffrey S. Barnes

Although he knows the job can't be done in a year, **Keith I. Frederick** said much of his energy as president of the Omaha Bar Association will be spent on improving the image of attorneys.

**Frederick**, president of the Schmid, Ford, Mooney & Frederick law firm, has been an attorney for 26 years. "...And in that time," he said, "I've seen the climate change for attorneys from one that I thought was pretty well respected to one of minimal respect.

"It used to be if an attorney called on the telephone you took his word at it; nowadays, it seems the only way to practice is to get it in writing...and I think it's a bad change. Business people who work with attorneys daily don't have the negative feeling, but the general public does."

The attorney said a mission of the OBA is to facilitate a relationship among members of the bar so that a high degree of integrity is promoted. "It's one of the things I work at in and out of the firm," he said. "An attorney must take care of the needs of the client and do it expeditiously, but at the same time should strive to maintain the professional standards. It's a pet peeve of mine and something I'll be harping on all year."

**Frederick** said a main cause of the "degeneration" of respect for attorneys may lie in the sheer numbers of practicing lawyers.

"This might make some educators mad, but I think the high influx of attorney graduates has led to it—with so many practitioners, it has to promote litigation," he said. "If someone is busy with good legal work, they won't take on something that's marginal in the first place."

**Frederick**, who succeeded **John C. Burke** as OBA president July 1, said he will also work on the overall relationship between the bar and the bench, "hopefully for a better liaison with practicing lawyers and acting judges."

Raised on an Iowa farm, the new president of the OBA began his professional life with a degree in accounting from Drake University. That same year, **Frederick** also married his wife **Jeanne** and accepted a commission in the Air Force.

After two years of active duty, a discharge as a captain, and a stint in the active reserves, he enrolled in the Creighton University law school and graduated in 1960.

"I've had the idea to be a lawyer for as long as I remember, way back into grade school," **Frederick** said, adding with a laugh, "and where I got the idea, I don't know."

He said he interviewed with two law firms and an insurance company after

graduation; an offer came from Schmid Ford which he then accepted. **Frederick** rose to the position of managing partner with the firm until it became a professional corporation and he became its president.

"I've seen the firm grow from four to 25 lawyers and a staff of 27," he said. Schmid Ford is a general practice law firm, but with the expansion, its attorneys have developed specialties in litigation, business, banking, bankruptcy and creditor's rights, taxation, estate planning and probate, personal injury,



**Keith I. Frederick**

and real estate and construction law.

The increasing costs of overhead have necessitated non-attorney additions to the staff in the interest of cost savings, **Frederick** said. "With hourly rates as they are, we're not able to keep up with costs percentage-wise," he said. "We have to think about efficiency. Now we hire paralegals, we have two CPAs on staff, and even an RN (registered nurse) on staff for reviewing medical reports. The use of others to perform administrative tasks is one of the biggest changes to come to the profession."

Changes are common to the legal firm of the '80s. **Frederick** said office automation has proved a useful tool in both the processing of data and in secretarial work. Continuing education for attorneys, with trips to seminars on local and national scales, was also unheard of when he began practice.

"Firms now take new law graduates and spend considerable time and effort in their training to make them a well-rounded lawyer," he said. "Firms owe it to themselves in order to continue and grow, but also to the client in order to provide the best attorney possible."

**Frederick** said advertising is another aspect of the profession which firms must now study today. Since the relaxation of professional bars on advertising, "it's been a slow process for some and too fast for others," he said.

Schmid Ford placed its first yellow page advertisement this year, the effect of which remains to be seen, **Frederick** said. "It's very challenging in that it needs to be tastefully done, and yet you want to attract the attention.

"I have no opposition to advertising—personal injury lawyers have been doing it for some years—but it needs to be done tastefully and professionally," **Frederick** said he feels the best promotional tool a firm could use would be a brochure outlining the services of the firm; Schmid Ford recently published such a brochure in conjunction with its 40th anniversary.

Serving on the OBA board with **Frederick** are **J. Terry Macnamara**, president-elect; **Richard E. Croker**, secretary; and **Kathleen A. Cook**, treasurer. Members of the executive council are **Thomas A. Brennan**, **Joseph O. Kavan**, **Joseph K. Meusey**, **Terrence D. O'Hare**, **Richard J. Spethman**, and **Dean W. Wallace**; **Mardee M. Korinek** is the OBA's executive director.

Beside his bar association activities, **Frederick** is also chairman of the board for the Omaha Steel Castings steel foundry, and chairman of the Home State Bank of Louisville, Nebr. He is a member of both the Nebraska Association of Bank Attorneys and the Association of Trial Lawyers of America.

**Frederick** and his wife make their home in a house overlooking the Fontenelle Hills Golf Course in Bellevue, although he admitted he hasn't had time to get out on the course since moving there several years ago.

The attorney formerly owned a farm near North Bend, Neb., that he and his wife used as a retreat. "I miss it now — I really do," he said. "It was a place to go to think about something other than law work."

That does not indicate a regret about his chosen profession; **Frederick** said he wouldn't change anything at all about his career. "I think good attorneys work harder than most other professionals, however," he said. "I think they have to."

He recalled an incident from his college days when working at a job at the Des Moines Montgomery Ward store and telling a supervisor he planned to become an attorney. "He just laughed, and told me 'A farmer can't be a lawyer,'" **Frederick** reminisced. "I've never forgotten that, and it may be the driving force to prove him wrong that put me here today."

## Message From The President

It seems like last week, but it was a year ago when I became President-Elect of the Omaha Bar Association and I thought, "I have a whole year to prepare". Well, it's already here. Thank you for this opportunity, I think. I am both proud and humble and certainly a little bit awed at the prospect of leading 1500-plus lawyers for the coming year.

I've been told the first president of the Omaha Bar Association was Andrew J. Poppleton who served from 1889 to 1890, so the Omaha Bar Association has been in existence for a long time. The Bar organization is here. The long range planning is in place. The committee chairpersons for this year have been selected and the committees will be in operation by the time this message appears.

The "Mentor" program, which pairs lawyers and law firms with high schools, is in operation.

As adopted by the Long Range Planning Committee, "The Mission of the Omaha Bar Association is to facilitate relationships among members of the Bar such that a high level of integrity and professionalism is maintained and promoted and the community is assured of quality legal services."

The various committees have been reconstituted and it is the intent to have a chairperson and a chairperson-elect to serve when the current chairperson leaves. Through the various commit-



**Keith I. Frederick**

tees, hopefully, we will carry out this mission.

If we, as this year's officers and executive committee, can increase the attendance at the various Bar functions by a mere 10% over last year (I would hope that it would be much higher) and increase public confidence in the Omaha Bar, then I will personally feel we are moving in the right direction in accomplishing our overall mission.

Please mark your calendars for the upcoming bar functions.

## NOTES FROM OBA'S EXECUTIVE DIRECTOR:

First of all, I would like to welcome **Keith Frederick** as the new president of the bar association. He took office July 1 and already has full command of the position. It is bound to be a good year under his dynamic leadership. I hope the members take time to reflect and appreciate the time, effort and talent that each president brings to the office. Believe me, it is no easy job.

A couple of "thank you's" go out for this Newsletter. The first is to **VIDEO IMAGERY LTD.** of Ralston. Since **Colleen Buckley** had hip surgery and was unable to attend Law Day, **Video Imagery** donated their time and equipment to video tape the Public Service award she received so that she could view it later. A second thanks goes to **Tom Gaughn** and **FIRST NATIONAL BANK** for printing OBA's field day tickets.

Bellevue College is a strong supporter of our Speakers Bureau and greatly appreciates this service. Recently, **Brian Zdan, Jim Sacoman, Dan Wintz, Steve Gunderson, and Stephen Lundholm** have spoken there. Our appreciation goes to them for their time and service to these young people. Also **David L. Buelt** spoke at Veteran's Hospital and **T. Geoffrey Lieben** and **Michael Nelsen** addressed a group at McAuley Bergan Center — A big "thank you" to them, too.

Have you ever tried planning a party for a large number and wonder how many are coming, how many will not show, how many might show up at the door??? It gets mind boggling (and those of you that know me, know it doesn't take much to boggle my mind!) ... anyway, thanks so much for making your advance reservations so promptly for Kickoff so that I could get your tickets back to you in time. It really helps!

Another "thank you" to **First National Bank** and **Tom Gaughn** for a great Kickoff. It was the usual evening of fun, good food, and perfect weather. I don't think the Omaha Bar Association could begin its fall season without the Kickoff!

Our next monthly meeting will be October 16 ... see you there!

**Mardee**

## SEARCH BEGUN FOR SUCCESSOR TO MAGISTRATE

Federal court judges have started their search for an attorney to replace U.S. Magistrate **Richard C. Peck** of Omaha, who plans to retire about Nov. 30.

Resumes were to be submitted by Aug. 20 to attorney **William Lamson Jr.** or U.S. District Court Clerk William Olson, according to a notice prepared by Chief U.S. District **Judge C. Arlen Beam**. Lamson is chairman of the seven-member panel named to screen applicants for the appointment.

The panel will submit recommendations to the state's three federal district judges, and they will select Peck's replacement, Beam said.

Candidates for the \$68,400-a-year job must have a minimum of five years' practice as an attorney and be a

member of the Nebraska bar in good standing, the judge said.

Service as a state court judge, work as an attorney for a state or federal agency or two years' experience as a law clerk to any judge will be considered as a substitute for all or part of the five years' legal experience.

The term will be for eight years, and applicants must not have reached their 70th birthday by the end of the term, he said.

Peck, 68, notified Beam earlier this month that he plans to leave office Nov. 30 or as soon as a successor is appointed. He has been the magistrate in Omaha since 1975 and served earlier as an assistant U.S. attorney, U.S. District Court clerk and federal commissioner.

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# Judge Schatz Remembered In Federal Court Ceremony

By Stephen M. Bruckner

On June 23, 1986, **Chief Judge C. Arlen Beam** convened a memorial ceremony to honor the late **Hon. Albert G. Schatz**, Judge of the United States District Court for the District of Nebraska. **Judge Schatz** — known as “Duke” by family, friends, and colleagues — died on April 30, 1985, after a brief illness. The ceremony was fittingly held in **Judge Schatz’** courtroom at the Federal Courthouse.

The ceremony was attended by all judges and judicial officers of the District of Nebraska. Chief Judge **Donald P. Lay** of the United States District Court of Appeals for the Eighth Circuit, and Judge **Donald R. Ross**, also of the Eight Circuit, were among the presiding judges. **Judge Schatz’** family was also in attendance. The ceremony was also well attended by members of the Bar. Members of the Omaha Barristers Club served as ushers for the ceremony. **Judge Schatz’** long-time friend, **Robert “Bob” Mullin, Sr.** served superbly as Master of Ceremonies.

Duke Schatz was an outstanding trial lawyer prior to his appointment to the Federal bench. He was honored by election to the American College of Trial Lawyers, an organization restricted in its membership to only one percent of the practicing lawyers in the United States. Early in his legal career, **Judge Schatz** entered the Gross, Welch, Vinaradi Law Firm of Omaha as an associate. His senior partner, **Harry Welch**, spoke glowingly of the young lawyer’s trial skills: “Duke thoroughly prepared his cases. He knew the facts inside and out, knew exactly what his witnesses would say, and one of his strongest attributes was his keen insight into people. He always seemed to know what a witness was going to say or how another lawyer might react in a particular situation.”

Justice **John P. Grant** of the Supreme Court of Nebraska, a friend and colleague of **Judge Schatz** since their days together at Creighton Prep nearly fifty years ago, displayed his storied wit with a tale of a memorable Schatz cross-examination. Justice Grant represented the plaintiff, an unfortunate fellow who, having “dallied a little too long at the bar” selected the wrong door on his way to the restroom and fell down the basement steps located on the premises of Lawyer Schatz’ client. Justice Grant described Schatz’ cross-examination:

“Well, now,” he said, “Was there a handrail on the steps?”

My client said, “Yes.”

“Well, now, did you see the handrail?”

My client said, “Yes.”

“Did you use the handrail?”

My client said very clearly, “No, sir, not on the way down.”

When he left private practice and donned the black robe, **Judge Schatz** was fortunate to have the experienced guidance of the Hon. **Richard E. Robinson**, now Senior Judge of the United States District Court. Judge Robinson gave this tribute to Albert G. Schatz, the trial judge:

Duke was a trial judge and a trial judge is what he meant to be... He did all of the things that a trial judge has to do. He listened. He was patient. He was courteous. He analyzed. He reasoned. He deliberated. And, most importantly, he decided. I am sure that he realized that his rulings might be right or they might be wrong but he had the moral courage to do what he thought the particular situation required.

Hon. **Lyle E. Strom, Judge Schatz’** successor, commented that “The attribute of practicality was in a sense the very essence of the way in which (**Judge Schatz**) approached the resolution of the work of the United States District Court. While dealing fairly and equally and certainly very compassionately of all parties, nevertheless he insisted that we always remain practical in our approach to the disposition of the particular case before the Court.”

Those who knew **Judge Schatz** will recall his often colorful use of the English language. **Dr. Stanley M. Truhlsen**, his closest friend for many years, recalled some of these “Dukeisms:”

He was “a man of perspicacity” who loved the game of golf even when he occasionally got into a “modicum of trouble” which tended to depress him to the extent that he thought “the whole town’s underwater” or expressed the opinion that “This was a fight that they’d have to stop.” Nevertheless, a good little drive quickly brought his spirits back because he had seen “sicker cats than that get well.”

Duke, if a ball bounced correctly or he sank a long, difficult putt, would respond, “Well, the sun shines on every dog’s tail sometime.”

The memory of “Duke” Schatz is perhaps best capsulized by the brief

but eloquent words of his colleague on the bench, the Hon. **Warren K. Urbom**:

“Duke Schatz believed devoutly, loved happily, praised freely, mingled easily, laughed readily, thought carefully, listened intently, considered objectively, reacted cautiously, decided firmly, spoke softly. He was a good judge because he was a good man who judged well.”

The memorial ceremony of June 23, 1986, was transcribed by **Judge Schatz’s** long-time court reporter, Jack Fitch, and will be published in a volume of the Federal Supplement Reporter.

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What is largely missing in American life today is a sense of context, of saying or doing anything that is intended or even expected to live beyond the moment. There is no culture in the world that is so obsessed as ours with immediacy. In our journalism the trivial displaces the momentous because we tend to measure the importance of events by how recently they happened. We have become so obsessed with facts that we have lost all touch with truth.

— Ted Koppel

## Omaha Bar Newsletter

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Jeffrey S. Barnes  
Carol Gendler  
Diane J. Greenfield  
Miden G. Harvey, IOLTA  
Joyce Slusher, Landmarks  
Sharon R. Stephan, NSBA

# NSBA Placement Service Seeks to Match Lawyers with Jobs

Lawyers looking for jobs and employers looking for lawyers could find a perfect match through the newest service of the Nebraska State Bar Association, the Lawyer Placement Service. The service seeks to provide an exchange of information for three situations: lawyers seeking a new position, employers seeking an associate or staff attorney, and lawyers interested only in an office-and expense-sharing arrangement. Application and information forms have been developed for each type of situation.

Here are the basic features of the program:

The program is offered as a service to all NSBA members; there is no fee to the employer or the applicant.

Lawyers seeking a job, or employers seeking a lawyer, contact the placement service and are sent a form to fill out. The form indicates each party's requirements in terms of experience, interests, location, salary, and admission to practice. The placement director reviews all forms, and sends the employer the resume forms of candidates who appear to meet the employer's specifications.

It is the employer's responsibility to

directly contact any applicant in whom he or she is interested. The lawyer is informed each time his or her resume is forwarded to a potential employer, but the program provides no guarantees that an applicant will be called for an interview.

As new forms are received from lawyers and employers, the entire placement file is reviewed, and appropriate information forwarded to employers.

Confidential service for both attorneys and employers is available.

Resume forms and job opening forms are kept on active file for one year, or until employment is found or the position is filled, whichever comes first.

Lawyers admitted to practice in other states but who seek to move to Nebraska, and out-of-state firms or businesses seeking to recruit Nebraskans, may use this service.

No individual counseling will be of-

fered or allowed through the NSBA office. The service is designed solely to facilitate the exchange of information between lawyers and employers.

A simplified form is available for attorneys who only want someone to share office space and expenses.

The program will be coordinated by **Sharon Stephan**, director of public relations. For additional information, contact Sharon at the NSBA office, Post Office Box 81809, Lincoln, NE 68501. Please indicate whether you want to receive a "Job Opening for Lawyers" form, a "Job Applicant Resume" form, or an "Office Sharing Arrangement" form. Law firms and businesses throughout the state are encouraged to use the service to help meet their employment needs. The service will also work in cooperation with existing placement services at the UNL College of Law and Creighton School of Law to assist members of the Bar.

## LANDMARKS GROUP SEEKING NEW MEMBERS

Landmarks, Inc. is seeking new members to support the group's historic preservation activities in Omaha. A membership drive is now in progress.

All new members will receive a limited edition collector's print of the Douglas County Courthouse. "Only five hundred copies of this print by Omaha artist Rachel Jones will be made," according to membership drive chairman **Mary Sue David**.

The print is part of the new "Landmarks Collection" and is the second in a series of limited prints relating to historic preservation in Omaha. All new or renewal members of Landmarks, Inc. each year will get one of the prints.

Persons interested in joining Landmarks, Inc. may do so by calling the Landmarks office at 346-1055.

Membership categories range from individual memberships at \$15.00 to a sponsor category at \$250.00

Membership benefits include reduced rates to Landmarks events, monthly newsletters, notification of preservation activities, and access to technical advice.

## Chief justices, administrators meet at Red Lion

Chief justices and state court administrators from the fifty states were informed on the latest court challenges in judicial ethics, gender bias and judicial performance evaluations at a recent national conference held in Omaha.

Attendees of the National Conference of Chief Justices and State Court Administrators also received education on bar admission criteria and negotiations, all of which were "terribly well received," said **Joseph C. Steel**. Nebraska state court administrator and co-host for the conference. The event was held August 5-7 at the Red Lion Inn.

"The sessions allowed the panelists to share with those not involved with the topics what is going on and how to deal with them," said Steele. Panelists included members of the judiciary,

university law instructors and bar leaders. Nebraska Chief Justice **Norman M. Krivosha** was host for the chief justices.

Steele said no resolutions or recommendations were passed by the conference, the first held in Nebraska in the group's 40-year history, as the meeting was for educational and organizational purposes.

He added that the conference was "a real nice opportunity to show our home off to others around the country," many of whom had never been to Nebraska. Spouses and guests of the attendees (all totalling nearly 200 persons) visited the Platte River State Park, Joslyn Art Museum, Strategic Air Command headquarters, Boys Town and the State Capitol during the conferences.

## Cafe' di Coppia

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Sr. Timothy Marie O'Roark, Program Director of the Legal Aid Society, accepts IOLTA's first disbursement check from Nebraska Lawyers Trust Account Foundation President, Thomas J. Walsh Sr., and board member, Richard N. Berkshire.

## IOLTA Update

by Miden G. Harvey

On July 1st, Nebraska Lawyers Trust Account Foundation made the first disbursement of Interest on Lawyers Trust Account (IOLTA) funds. Funds totaling \$42,000.00 were disbursed; \$18,686.69 to the Legal Aid Society, \$13,751.83 to Western Nebraska Legal Services and \$9,561.48 to Legal Services of Southeast Nebraska. The IOLTA disbursement was made possible by the participation of over 1,085 lawyers and over 85 financial institutions joining together in support of the cause to help provide equal justice to all. Fifty-five percent of all IOLTA participants are from the Omaha area and NLTAf commends these Omaha lawyers for their

support of the IOLTA Program.

IOLTA was authorized by a May, 1985 Supreme Court ruling which allows lawyers and law firms to invest clients' funds which are nominal in amount or which are to be held for a short period of time in interest-bearing checking accounts. Financial institutions then pay interest to NLTAf for the disbursement to Nebraska's three legal services programs. Sign up is simple.

If you would like to be a part of this worthwhile and needed program which will assist poor Nebraskans in obtaining competent legal representation in defending their basic legal rights, please contact Miden G. Harvey, Executive Director, Nebraska Lawyers Trust Account Foundation, P.O. Box 81809, Lincoln, Nebraska 68501 or phone (402) 475-7091.

## VIDEO EQUIPMENT IS AVAILABLE FOR USE

The videotape equipment purchased by the Omaha Bar Association is now in place in the Courthouse, and available for use. The equipment consists of a VHS tape player (1/2-inch tape) and a 25-inch monitor, all on a rolling stand.

**Darwin Severson** has been kind enough to agree to maintain the equipment in his custody and to handle reservations for its use and instruction in the operation of the equipment. The equipment is high quality equipment, but very simple to operate.

It was the thought of the committee that user fees should be established at \$50.00 for each half day and \$75.00 for each full day of use. The reservations for the equipment will be handled through Darwin's office on a first come first served basis, and use of the equipment will be restricted to the courthouse. Checks for user fees should be made payable to the Omaha Bar Association, and will be collected for us by the District Court Administrator's office and held for the Treasurer of OBA.

## Preventive Law Prize to Ronald L. Jones

Philadelphia — **Ronald L. Jones**, for his authorship of the book "**Practice Preventive Corporate Law** (ALI-ABA, 1985), has received a 1986 Preventive Law Prize "in recognition of praiseworthy writing in preventive law." The \$1000 award was offered by the Hermione and Louis Brown Foundation, administered by Professor Emeritus Louis M. Brown, of the University of California Law Center and Counsel to Sanders, Barnet, Goldsmith & Jacobsen of Los Angeles.

The award was presented at the Conference on Preventive Law held at the National Center for Preventive Law, University of Denver College of Law, on May 8.

**Practice Preventive Corporate Law** emphasizes techniques and methods to be applied in using a preventive law approach — a careful evaluation of law-business issues and a diligent search for the best nonadversarial alternatives. The book is divided into two main parts: The first presents five basic steps for an effective preventive law practice; the second describes six techniques for finding solutions. More than 60 case studies and problem situations provide concrete examples how to practice preventive law.

While designed to initiate the novice inhouse corporate counsel into corporate practice, the methodology can be used by all private and government attorneys, since the volume presents an approach to law practice rather than substantive law.

**Ronald L. Jones** is corporate counsel at **Peter Kiewit Sons, Inc.** A member of the Nebraska bar and the Sections of Corporation, Banking and Business Law and Natural Resources Law of the American Bar Association, he is the Editor of **The Corporate Counsel Reporter**, published by Warren, Gorham & Lamont.

**Practice Preventive Corporate Law** is a hardbound 431-page book, which may be purchased from ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104, for \$60 plus \$3.50 for postage and handling.

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Jean Baptiste Colbert, the French finance minister under Louis XIV, said, "The art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least possible amount of hissing."

# Law School Establishes Scholarship Honoring Judge Robinson

By Stephen M. Bruckner

A scholarship has been established at the Creighton University School of Law in honor of Senior United States District Judge **Richard E. Robinson**. The Scholarship was established by **Judge Robinson's** past and present law clerks to commemorate the Judge's thirtieth anniversary as a federal judge in the District of Nebraska.

The Scholarship was unveiled during a dinner held June 27, at the Happy Hollow Country Club. Thirteen of Judge Robinson's seventeen law clerks attended the dinner, including OBA members **Dick Bruckner, Paul Quinlan, Jim Kasher, Dennis Martin, Ron Parsonage, Frank Kulig, Steve Bruckner,** and **Dave Koukol**. Other former law clerks came from as far as New York and West Palm Beach, Florida.

**Jim Kasher** served as Master of Ceremonies of the informal post-dinner

program. As part of this special tribute, each law clerk related memorable — and, no doubt, sometimes apocryphal — stories of judicial life with the Hon. **Richard E. Robinson**.

**Judge Robinson**, appointed to the Federal bench by President Dwight Eisenhower on July 3, 1956, displayed his ever sharp wit in his impromptu response to the laudatory comments of his clerks. **Judge Robinson** stated he was "deeply honored" by the law school scholarship established in his name. "For once, I'm at a loss for words," he said.

During the dinner, the law clerks also honored Judge Robinson's secretary since 1930, **Mrs. Genevieve Cronk**. Known simply as "Gen" to the generations of lawyers who have practiced before **Judge Robinson**, this remarkable woman is remembered with particular fondness by **Judge Robinson's** former clerks. Mrs. Cronk

was presented an exquisite brass desk clock with an inscription that reads: "To Gen Cronk. Secretary, Boss, Friend and Second Mother. You have helped us all in your own special way. From your law clerks." The gift apparently caught Mrs. Cronk completely by surprise. "I was flabbergasted!" she exclaimed.

At the time of the June 27th dinner, nearly \$10,000 had already been pledged to the "Honorable Richard E. Robinson Law School Scholarship." School officials explained that those wishing to make a donation to Creighton or to the law school may specifically direct a contribution to the Robinson Scholarship. The Scholarship is indeed a meaningful and lasting tribute to **Judge Robinson's** outstanding, dedicated service to the federal judiciary, State of Nebraska and the Omaha legal community.

## PREPAID LEGAL SERVICES

by David Steier

Prepaid legal services have been available since the 1970's but have just recently become an issue affecting Omaha attorneys. Pre-Paid Legal Services and Nationwide Legal Services appear to be the most prominent, but are only two of the many available legal services.

The major aim of Pre-Paid Legal Services and Nationwide Legal Services is toward the middle class. The sales program is that the rich can easily afford legal services and the poor automatically receive some sort of legal help.

Pre-Paid Legal Services is for personal matters only. It covers four basic areas. 1) The first one-half hour of consultation will be paid for by Pre-Paid. 2) There is a 24-hour automobile legal protection, though some restrictions do apply. 3) A \$5,000 trial defense fund will be set up for your client in their first year of membership. This increases by \$5,000 a year upon renewal. 4) The last area consists of an IRS Audit protection. The client may go to any attorney that he wishes, and the attorney need not register with Pre-Paid. The service will not reimburse clients for matters of a corporate for business nature.


Nationwide Legal Services is a more complicated service. It first establishes a "lead firm" in your state,

who will handle the preventive law aspects of the legal plan. Any work needed beyond this, the "lead firm" refers the client to a participating attorney chosen from a pool of participating attorneys. There is no monthly fee for becoming a member nor sharing of fees earned between you and the "lead firm." The attorney must comply with a maximum hourly fee for those matters covered by Nationwide; however, normal fees may be charged to members for matters not covered under the plan. The attorney is paid directly from the client. Nationwide is not as narrow in its coverage of legal matters but does limit the fees charged.

On the whole, legal services like these may or may not be beneficial to your client. A monthly fee ranging from \$11-14.50 varies from state to state. For those clients who use their attorney only once a year or less such a service is not worthwhile. Few attorneys in Omaha have chosen to register with companies such as Nationwide and most attorneys have left it to the client to obtain reimbursement from their carriers. As of today the Omaha Bar has not fully accepted the prepaid plans, however, if other cities are any indication we should expect some firms to begin using their involvement in the prepaid plans as a focus of advertising.

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## LONG RANGE PLANNING PART 4

# A Plan For The Future: Courts And Administration Of Justice

*Editor's Note: The Long Range Planning report has been divided into four sections for publication. This is the final in the series of four.*

1. Purpose: Promote better relationships between judges and lawyers.

1.1. Objective: Invite a member of the judiciary to be an ex-officio member of the Omaha Bar Association Courts Committee and Executive Council.

1.2. Objective: Negotiate ex-officio membership on the District Judges Association for the president of the OBA.

1.3. Objective: Renew quarterly meetings between district judges and OBA members.

**Rationale:** Exchanging ex-officio memberships with district judges is an important symbolic gesture, but quarterly meetings offer greater benefits to more OBA members. Responsibility for setting relevant agendas (perhaps in cooperation with counterparts in the District Judges Association so that judges have input in the selection of discussion topics) belongs to the OBA Courts Committee, as well as responsibility for informing members as to agenda deadlines, meeting topics and times. All OBA members should be invited to propose agenda items and to attend the quarterly discussion meetings. The newsletter is one vehicle for informing

members about agenda deadlines, set agendas and meeting times.

It should be noted that one reason why judges may resist interactions with attorneys is to avoid the appearances of partiality. By setting up semi-formal interactions around substantive issues, OBA may successfully induce better communications and more cordial relations without disturbing the judges need for objectivity. This outcome would be very beneficial to OBA and is likely to enhance OBA's ability to achieve its membership, representation and increased participation objectives.

2. Purpose: To improve the administration of justice.

2.1 Objective: Monitor and encourage adherence to ethical norms during litigation.

**Rationale:** There seems to be increasing use of the media by attorneys to discuss pending litigation, disclose information relative to litigation and/or comment upon trial activities during trial. The Executive Planning Group sees these activities as detrimental to the law profession. The establishment of ethical norms would permit OBA to comment on the issue and to caution those who violate the norms. This objective is related to the earlier discussion on media relations.

2.2 Objective: Establish a panel of experienced lawyers to assist young, non-firm connected lawyers with trial

and probate matters.

**Rationale:** The Executive Planning Group sensed that there is a significant number of young lawyers who have come out of school and are not employed by firms with trial expertise but are faced with the responsibility of conducting trials, among other legal services, without sufficient experience in the procedural (and perhaps substantive) aspects of the law. If they could draw upon other seasoned veterans, the client would be well-served and some good done for mankind. The Executive Planning Group recommends that this objective be coordinated with the NSBA Continuing Legal Education people.

3. Purpose: To encourage or enhance involvement of OBA in the selection/retention of judges.

3.1 Objective: To determine OBA's proper role in the selection/retention of judges.

**Rationale:** The ABA takes an active role in the selection of judges at the federal level and the NSBA evaluates Nebraska judges when they are due for a retention vote. Is there a proper role for the OBA in this process? For example, the OBA may provide interpretation of the results of NSBA evaluations for the citizens of Omaha, or it may augment NSBA's evaluations by providing information on Omaha area judges. Members of the Executive Planning Group believe this is an important issue which deserves careful study and a thoughtful decision. Responsibility for proposing an appropriate role and methods for carrying it out properly rests with the OBA Courts Committee.

3.2 Objective: Provide objective statistical data on Omaha area candidates nominated for judicial appointment.

**Rationale:** To achieve this objective, it would be necessary to negotiate with the judicial nomination committee to allow sufficient time for OBA to provide input. OBA's responsibility would be to provide accurate data with short lead time. The period of time between the deadline for nomination and appearances before the judicial nomination committee is short, often less than a week. The issue of whether input to the nominating process should be evaluative (i.e., judgmental) rather than objective requires careful discussion, with due consideration to potential negative benefits.



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# LONG RANGE PLANNING PART 4 - continued

## Organization Changes to Facilitate Achievement of Objectives

To facilitate the achievement of objectives proposed by the Executive Planning Group, we recommend changing the organization structure. The organization structure should be consistent with and supportive of the organization's mission and purposes so that objectives can be achieved.

The proposed reorganization is simple and straightforward. We present it in Exhibit 1. At the top of Exhibit 1, are listed the current committees of OBA. At the bottom are listed the five functional areas recommended by the Executive Planning Group. We recommend that these functional areas be given formal status as Divisions, with committees assigned to relevant Divisions.

The Executive Council should appoint the chairs of the four major Divisions from among its own membership. This assures that persons elected by the membership hold these important Division positions. It also assures continuity of decision making between the Divisions and the Executive Council. The Membership Service Committee should be chaired by the immediate past president. This arrangement assures that each committee's activities are coordinated with the other committees who have similar or even overlapping objectives and that specific Executive Council members are responsible for assuring that the committees achieve their objectives. The arrangement also relieves the President from the impossible task of trying to coordinate and direct the activities of 18 committees.

The Executive Council should appoint a Long Range Planning Committee. This committee should be empowered to create subcommittees to deal with specific planning issues, and should be responsible for reporting to the membership annually on the achievement of objectives of each division and committee.

The committee chairs can be appointed by the Division chair or alternatively they can be elected by the members of the committee. The latter method has the advantage of allowing those who volunteered to carry out the work of the committee to elect their own leader. This gives the workers a voice in the governance of their own efforts.

The Division chairpersons may choose to have meetings with their committee chairpersons either in-

dividually or in groups. Either way, the Division chairs are responsible for having objectives established for each of their committees.

Once the four major Divisions are established, policies for these Divisions should be established so that Division Chairs have clear understanding of their responsibilities. Major responsibilities of the Division Chairs include communicating with committee chairs and members about meeting dates and times, setting objectives for committees with committee chairs and members and concurrence of the Executive Council, and monitoring committee performance. Division Chairs should meet with their committees at least twice (to set the year's objectives and assess performance) and ideally three or four times per year. The Long Range Planning Committee should report annually on overall OBA performance and make recommendations for future directions.

In addition, the activities of the current standing committees should be examined carefully to see if they contribute to the missions and purposes of OBA. Divisions that do not meet nor provide inputs to the achievement of purposes and objectives should be terminated. Committees which do contribute to purposes and objectives should be retained but be assigned to the relevant Division.

The more careful and specific division of responsibilities among Divisions and committees means that each committee will have clear objectives to achieve. Clear knowledge of the job to be done is itself a motivation to volunteers. At the same time, this finer division of responsibilities requires more coordination among the committees, an assignment Executive Council member/Division chairperson should be prepared to carry out with enthusiasm.

### CONCLUSION

The Omaha Bar Association faces the future with many opportunities and manageable threats. By pursuing the plan proposed by the Executive Planning Group, OBA will capitalize on its opportunities and remove threats to progress. The process will be facilitated by reorganization to reflect OBA's mission and purposes.

### EXHIBIT 1 EXISTING AND PROPOSED COMMITTEE STRUCTURE

#### EXISTING COMMITTEE STRUCTURE

- Canon 8
- Corporate Counsel
- Courts
- Field Day
- Law Day
- Law Library
- Lawyer Referral
- Legislation
- Long Range Planning
- Medical-Legal
- Membership and Attendance
- Memorials
- Newsletter
- Program
- Public Service
- Real Estate Title Standards

#### PROPOSED COMMITTEE STRUCTURE

- Membership Services Division
  - Real Estate Title Standards
  - Memorials
  - Field Day
  - Fall Kickoff
- Membership Communications Division
  - Membership
  - Attendance
  - Newsletter
  - Corporate Counsel
  - Small Firm/Sole Practitioners
- Administration of Justice Division
  - Canon 8
  - Courts
  - Law Library
- Professional Competence/Network Division
  - Program — Education/Training
  - Professional Liaison
  - Medical
  - ABA and NSBA
  - Accountants
  - Banking
  - Other Professions
- Public Information, Service and Policy Division
  - Legislation
  - Lawyer Referral
  - Media Relations
  - Issues Development
  - Speakers Bureau
  - Public Service
  - Law Day
  - Long-Range Planning

## DISTRICT COURT FOCUS

# JUDGE STEPHEN A. DAVIS — 4½ YEARS ON BENCH

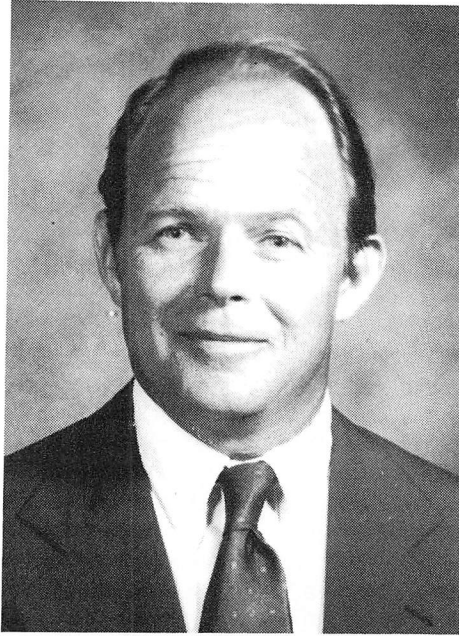
by John W. Wilke

Judge **Stephen A. Davis**, age 50, was born in Omaha on October 23, 1935. He attended Beals Grade School on South 48th Street followed by high school at Central where he graduated in 1953.

Following high school, **Judge Davis** entered college at the University of Nebraska in Lincoln where he majored in economics and political science. His undergraduate studies were interrupted when he was drafted in 1958. He spent two years with the United States Army, Infantry.

After leaving the military, Judge Davis went back to school, this time at Creighton's Law School where he was President of the Student Bar Association. He received his L.L.B. Degree in 1964.

His first job as a young lawyer was with the firm of Cassem, Tierney, Adams, Gotch & Douglas, then known as Cassem, Tierney, Adams & Henatch. He enjoyed this job so well he stayed for nearly 18 years. During his early years as a young attorney he was treasurer of the Omaha Barristers Club. **Judge Davis** spent his nearly 18 years as a general practitioner engaged primarily in civil litigation while at Cassem,



**Stephen A. Davis**

Tierney.

In February of 1982, then Governor **Charles Thone**, appointed **Steve Davis** to fill the vacancy on the Douglas County District Court Bench created by the appointment and promotion of **Judge D. Nick Caporale** to the State's Supreme Court.

Court.

**Judge Davis** was initially assigned to the Equity Docket where he remained until June of 1983. He then spent approximately two years on the Law Docket prior to the adoption of the "Country Docket" in May of 1985. He now has cases on all four dockets; Civil, Criminal, Equity and Domestic Relations.

In July of 1985, **Judge Davis** became the Presiding Judge taking over for Judge **Robert Burkhard**. His duties as Presiding Judge are for one year and ended in June of this year.

Judge Davis is a member of the American Bar Association, the Nebraska State Bar Association, and the Omaha Bar Association. He has also remained active in several civic, church and neighborhood activities. His hobbies include hunting and fishing and he enjoys spending time with his three daughters, **Stephanie Lynn**, **Julia Anne** and **Ann Elizabeth**.

Judge Davis offices in Courtroom 13 located on the 3rd Floor of the Courthouse, Southeast corner, next to the Clerk's Office. His staff consists of Bailiff **Jennie Young** and Court Reporter **DeDe Remus**.

## Government Involvement in Child Support Enforcement Causes Need For Legal Services

By Nancy J. Ludden

Twelve years ago Congress, concerned with rising welfare costs, adopted legislation mandating states to increase their child support enforcement efforts, or face loss of federal funding. The states, including Nebraska, responded with better enforcement procedures. Clerks of the District Court now routinely certify delinquent support payments to County Attorneys who initiate contempt proceedings. Jail sentences are imposed in many cases.

Most would agree that this trend toward a "get-tough" policy for non-payment of child support is a good one. However, heavy government involvement on the enforcement side creates a new demand for legal services by the very poor at a time when government is reducing funding for legal services.

A significant number of payors cited for contempt cannot pay because the child support order is too

high. When job losses, illness, disability and other financial setbacks occur, there may be a need to seek a reduction in the child support order.

Omaha's **Legal Aid Society** recently had a reduction in staff from 21 attorneys to 7 attorneys. At the same time, there have been rough estimates that 800-1000 indigents per year have a legally sufficient basis for modification of child support orders, but are financially unable to secure counsel.

In October, 1985, **John C. Burke**, then President of the Omaha Bar Association, appointed **John P. Mullen** and **Bruce D. Vosburg** to chair a committee to investigate how the Omaha Bar Association could provide legal assistance to give these child support payors "access to the system of Justice".

**Mullen** and **Vosburg** developed a proposal and implemented it on February 20, 1986, by holding a meeting in the Douglas County Jury

Assembly Room. Former District **Judge Krell** and seven attorneys were recruited to speak to a group of forty indigents who had been pre-screened by the Legal Aid Society as meeting income eligibility guidelines.

A second meeting was held on May 15, 1986, attended by Judge **Stephen Davis** and seven attorneys. A third meeting was scheduled for July 23rd and will have taken place prior to the publication of this newsletter.

**Keith Frederick**, current President of the Omaha Bar Association, says the Executive Committee will be evaluating the program to determine whether future sessions should be held.

The program has been well received by those attending the sessions and it has presented a positive public image of Omaha lawyers. **John Mullen** and **Bruce Vosburg** should be congratulated for a very successful community service project.

# 1986 Public Service Award Presented to Judge Colleen R. Buckley



**JUDGE COLLEEN BUCKLEY, RECIPIENT OF THE OMAHA BAR ASSOCIATION'S PUBLIC SERVICE AWARD pictured with her niece, Jennifer Colleen Dunbar, daughter of Mr. and Mrs. J.F. Dunbar. This photo was taken in January when Jennifer's class from St. Margaret Mary's visited Judge Buckley at the Juvenile Court. More than 800 students from various schools will be received by Judge Buckley throughout the year.**

The Omaha Bar Association presented its 1986 Public Service Award to **Colleen R. Buckley**, Judge of the Douglas County Separate Juvenile Court. The award is annually presented to an organization or individual who has made substantial contributions to public understanding of the law and the role of the law and attorneys in the life of the community.

**Marilyn Anderson**, representing the Bar Association, presented the award. Accepting on behalf of Judge Buckley was retired Douglas County District Judge **Sam Caniglia**.

Past recipients of the Public Service Award have been **Junior League** of Omaha, **KETV Crime Stoppers, KFAB** for their program, "The Law and You" and the **Daily Record**.

**Colleen Buckley** was admitted to the Bar in June of 1962. Subsequent to that, she worked in the Army Corps of Engineers legal staff until she was appointed as the Director of Legal Aid in 1963. In 1968, she was affiliated with the County Attorney's Office as a Deputy County Attorney and was the prosecutor of juvenile court matters. She was appointed to the bench by **Governor Exon** in 1972 as Judge on the Separate Juvenile Court of Douglas County.

### AWARD BASIS

The statement of criteria regarding the award says that we are concerned about recognizing extraordinary long term commitment which is outstanding and deserves commendation by the entire legal community and, in fact, the community at large. In **Judge Buckley's** case, her commitment to youth of the community fits that qualification.

**Judge Buckley** has opened her courtroom to youngsters every week of every year. During any school year, she has had classes in the courtroom of approximately 800 to 900 students. Over the entire span of time since she took the bench, she has roughly seen, and provided information to, approximately 9,000 to 10,000 students.

Other activities include the following: She has been instrumental in developing and fostering development of the girls program at Boystown. She serves as a governor for Boys Club of Omaha. She makes monthly appearances, once a month or more, in the evenings or at noon hour to speak to various groups to educate them regarding the juvenile court system and the prevention of juvenile problems. She participates in the Swing for Retarded and has been recognized for her achievements and commitment to youth by having been a recipient of the Mary Virginia Merrick Award from the Christ Child Society. She has received the Service to Mankind Award from the Southwest Sertoma Club. She has been given a commendation by Boystown, and an honorary degree from the College of Saint Mary.

## OMAHA BAR ASSOCIATION

President . . . . . Keith I. Frederick  
 President-Elect . . . Terry Macnamara  
 Secretary . . . . . Richard C. Croker  
 Treasurer . . . . . Kathleen A. Cook

### Executive Council:

Thomas A. Grennan  
 Joseph O. Kavan  
 Joseph K. Meusey  
 Terrence D. O'Hare  
 Richard J. Spethman  
 Dean W. Wallace

### Immediate Past President:

John C. Burke

### Executive Director:

Mardee M. Korinek

### Executive Secretary

### Lawyer Referral:

Cecelia C. McNamara

## The following chairpersons have been named to head the Omaha Bar Association committees for 1986/87

Corporate Counsel: Philip M. Bowen  
 Courts: Michael J. Mooney  
 Field Day: Parker L. Shipley  
 Law Day: James D. Benak  
 Law Library: William E. Seidler, Sr.  
 Lawyer Referral: Amy L. Longo  
 Legislative: Michael A. Kelley  
 Long Range: David S. Houghton  
 Media Relations: Richard D. Myers  
 Medical/Legal: Joseph K. Meusey  
 Membership & Attendance: Joni R. Kerr  
 Memorial: Clayton Byam  
 Newsletter: Richard N. Berkshire, John W. Wilke  
 Program: William L. Biggs  
 Public Service: Robert L. Freeman  
 Real Estate Matters: Joseph Polack  
 Small Firm: David L. Herzog  
 Walk Through Courts: Barbara J. Gaskins

If you are not on a committee and would like to serve on one, please call or return the bottom section to the Omaha Bar Association office by September 23, 1986.

.....  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Committee Choice: \_\_\_\_\_

# Jury Verdicts for March, April and May Panels

**Editor's Note: Every effort is made to insure accuracy. However, if you note an error in your case, please drop a note to the OBA office.**

## FOR PLAINTIFF

### **831-842 Construction Midwest Co. vs. Robert J. Budin, et al**

Judge: Robert V. Burkhard  
Attorneys: Betty Egan and Emil Fabian  
Case: Contract  
Specials: Not specified  
Verdict: For Plaintiff \$8,850

### **836-746 Sharon Dooley vs. Universal Gym Equipment**

Judge: Theodore Carlson  
Attorneys: Gordon Hauptman and C.L. Robinson  
Case: Machine defect  
Specials: Not specified  
Verdict: For Plaintiff \$72,500

### **850-397 Michael Dooley vs. Universal Gym Equipment**

Judge: Theodore Carlson  
Attorneys: Gordon Hauptman and C.L. Robinson  
Case: Machine defect  
Specials: Not specified  
Verdict: For Plaintiff \$7,500

### **844-725 Janice K. Hass vs. James P. Moore**

Judge: Robert V. Burkhard  
Attorneys: Michael Lehan and Michael A. Nelsen  
Case: Automobile Accident  
Specials: Not specified  
Verdict: For Plaintiff \$7,500

### **832-050 Mary Sanchez vs. Frank Derby, et al**

Judge: James Murphy  
Attorneys: Dan Cullan and Ed Warin, Dan Chesire  
Case: Automobile accident  
Specials: Not specified  
Verdict: For Plaintiff \$4,808.20

### **836-751 Joseph Nissen vs. Steven Anderson**

Judge: Lawrence Corrigan  
Attorneys: Steve Lefler and Joe Meusey  
Case: Automobile accident  
Specials: Not specified  
Verdict: For Plaintiff \$6,200

### **829-808 Karen Ford, et al vs. Union Pacific Railroad**

Judge: Jerry Gitnick  
Attorneys: Peter Hoagland and John Cotton  
Case: Wrongful death  
Specials: \$8,928, \$3,446.87  
Verdict: For Plaintiff \$1,350,000, \$50,000

### **840-726 Ronald J. Hagedorn vs. Michael Procopio**

Judge: Jerry Gitnick  
Attorneys: Patrick Grewe, Jim Miller and Joseph Jones  
Case: Automobile accident  
Verdict: For Plaintiff \$1,500

### **829-584 Carmen Jackson vs. Archbishop Bergan Mercy Hospital**

Judge: James Buckley  
Attorneys: Timothy O'Brien and John Douglas  
Case: Malpractice/Other Negligence  
Specials: \$4,096.27  
Verdict: For Plaintiff \$2,000

### **831-194 Howard Stevens vs. Daniel Thompson et al**

Judge: Robert Burkhard  
Attorneys: Paul Stultz and Pro Se  
Case: Contract  
Specials: Not specified  
Verdict: For Plaintiff \$1.00

### **843-090 Waunita Dinnel vs. Kristine Todd**

Judge: Stephen Davis  
Attorneys: Alfonza Whitaker and Marshall Becker  
Case: Criminal Conversation/Alienation of Affection  
Specials: Not specified  
Verdict: For Plaintiff \$5,000; \$40,000

## FOR DEFENDANT

### **833-418 James Johnson vs. Smittys Van & Storage**

Judge: Jerry Gitnick  
Attorneys: Michael Helms and Larry Taylor  
Case: Negligence  
Specials: Not specified  
Verdict: For defendant

### **836-47 Virginia Jensen vs. Leslie Morgensen**

Judge: James Buckley  
Attorneys: Michael Lehan and Michael Nelsen  
Case: Slip and Fall  
Specials: Not specified  
Verdict: For Defendant

### **841-714 Michelle Ziegler vs. Larry Fairchild**

Judge: Keith Howard  
Attorneys: Joe Daly and Tom Grennan  
Case: Personal Injury  
Specials: Not specified  
Verdict: For Defendant

### **842-042 James D. Engel vs. Roger V. Voorhees**

Judge: Stephen Davis  
Attorneys: Barry Hemmerling and Dean Olson  
Case: Contract  
Specials: Not specified  
Verdict: For Defendant

### **845-178 Jesse J. Nolan, Jr. vs. Mohsen Niroomand-Rad**

Judge: James Buckley  
Attorneys: Fred Brown and Pro Se  
Case: Automobile accident  
Specials: \$2,461.00  
Verdict: For Defendant

### **823-099 Bertha McCants vs. Edwin Van Surksun**

Judge: Jerry M. Gitnick  
Attorneys: James Gleason and Tim Kietly  
Case: Automobile accident  
Specials: Not specified  
Verdict: For Defendant

### **839-692 Edwin Nestander vs. Martin Aaberg, et al**

Judge: Stephen Davis  
Attorneys: Betty Egan and Wayne Mark, Barbara Thielan  
Case: Automobile accident  
Specials: \$8,772.77  
Verdict: For Defendant — both

### **842-345 Raymond Voycheske vs. Nebraska Furniture Mart**

Judge: Jerry Gitnick  
Attorneys: Ernest Addison and Ronald Krause  
Case: Negligence  
Specials: Not specified  
Verdict: For Defendant

### **825-323 Charles Kokes vs. Bishop Clarkson Memorial Hospital and Gerald Simons, M.D.**

Judge: James Murphy  
Attorneys: Tom Walsh and Joe Bataillon  
Case: Malpractice  
Specials: \$154,000  
Verdict: For Defendant

### **829-733 Cedrich King vs. Archbishop Bergan Mercy Hospital**

Judge: James Buckley  
Attorneys: Timothy J. O'Brien and John Douglas  
Case: Malpractice/Other Negligence  
Specials: \$225.00 and future special damages  
Verdict: For Defendant

### **805-040 Rena Nichols vs. Titan Transfer, Inc. and U.S. Storage Co.**

Judge: Keith Howard  
Attorneys: Jon Johnson and Michael Mooney, Michael Kinney  
Case: Negligence  
Specials: \$34,462.05  
Verdict: For Defendant

### **832-737 Michael Jones vs. School District #4**

Judge: Lawrence Corrigan  
Attorneys: Christine Costantakos and Kirk Blecha  
Case: Contract  
Specials: Not specified  
Verdict: Directed Verdict

### **838-573 Sebastian Anzaldo vs. Charles Givens, et al**

Judge: Theodore Carlson  
Attorneys: J. Thomas Rowen and John Green  
Case: Automobile accident  
Specials: \$1,383.64  
Verdict: Plaintiff against Givens only \$7,500; For Defendant, Schuhart

### **842-289 Leslie D. Peters vs. John M. Williams**

Judge: James Buckley  
Attorneys: Scott Norky and William Gast  
Case: Automobile accident  
Specials: \$3,829.62  
Verdict: Defendant on plaintiffs petition and plaintiff on defendants counterclaim

**Continued on next page**

# R. E. McGrath, Omaha Lawyer Dies at Age 80

**Raymond E. McGrath**, an Omaha attorney, died at age 80.

**McGrath** suffered a heart attack while at Bergan Mercy Hospital, a family member said. He had been taken to the hospital after fainting in a doctor's office.

McGrath, a partner in the law firm of McGrath, North, O'Malley & Kratz, had cut back on his law practice during the past several years, said Louis Gruenther, a brother-in-law.

**McGrath** had practiced law since his graduation from Creighton University Law School in 1929, except for 10 years before 1951, when he was with an investment banking firm.

McGrath was president of the Omaha Bar Association in 1969.

During the early 1950s he served as chairman of the Nebraska Turnpike Authority before the development of the Interstate highway system. In 1954, he served as chairman of the Red Cross fund drive.

McGrath was active in the Republican Party and served for several years as senior president of the GOP Founders Day program.

He also was a close associate of

U.S. Sen. Roman Hruska of Omaha and served as the senator's local representative most of the time Hruska was in Congress.

During World War II McGrath served as a regional director of the Victory Loan program. He was an honorary member of Alpha Sigma Nu, national Jesuit honor society.

Surviving are his wife, **Leona**;



**Raymond E. McGrath**

daughters, **Mrs. Byron Strattan** of Omaha, **Mrs. Thomas Morrissey** of Alton, Ill., and **Mrs. Thomas Fennell** of North Platte, Neb.; 13 grandchildren; and one great-grandchild.

## "A Tribute"

by **Peter E. Marchetti**

For some years **Ray McGrath** had been among the most visible of those Omaha lawyers who are authentic survivors of that era known as the Great Depression.

**Ray McGrath**, in his professional life, proved to be a man of pronounced versatility, bordering at times upon virtuosity. As a student at Creighton, Ray paid his way through law school playing a hot banjo in a dance band.

Shortly after his admission to the bar in 1930, he became associated with the County Attorney's office as a prosecutor, and his propensity for and dedication to hard work honed his skills as a trial lawyer.

Swept out of the County Attorney's office by the second Roosevelt landslide in 1936, Ray embarked upon the

practice of law in Omaha.

Except for a temporary period prior to 1951 when he was associated with an investment banking firm, Ray had been identified as one of Omaha's leading lawyers until his death.

Like any lawyer worthy of his salt, **Ray McGrath** paid handsomely for the space he occupied with signal service to the Republican Party and in other civic endeavors.

Ray served ably as Senator **Roman Hruska's** local representative during most of the time Hruska was in Congress.

In 1969, Ray became president of the Omaha Bar Association, and brought great luster to the office.

Ray was a gregarious man with a good sense of humor, and throughout his practice truly has been an ornament of the Omaha Bar.

As such, **Ray McGrath** was worthy of that quaint, meaningful term of address, carried over from colonial days in New England, and which unfailingly startles any Midlander who appears in a courtroom in Boston and is referred to as "My Brother" by opposing counsel, or, more particularly, "M' Brothaw".

My Brother McGrath remained the personification of that old-fashioned lawyer's lawyer well into the computerized sophistication of the law business of the mid-80s.

His pleasing personality and good humor; his sincerity; his evident commitment to his client and his client's case; his no-nonsense diligence, industry and integrity marked him clearly as a winner.

Ray, indeed was a good man to be with, work with, eat with, drink with and to fight with, but above all else he was an exemplary human being and a good citizen of the Republic.

Beyond all of his admirable qualities, **Ray McGrath** was the quintessential family man.

Like many American descendants of two ethnic groups, the Irish and the Italian, Ray set particular store by the institution of the family, and demonstrated a tolerant and sympathetic approach to its younger members. He participated with them and never excluded them from family affairs or family pleasures.

The Omaha Bar has been blessed by his presence among us for a goodly time and is saddened by his departure. May he rest in peace.

## Jury Verdicts continued

### 843-391 Garcia — Chicoine Enterprises, Inc. vs. Central States Asphalt Paving Co., et al

Judge: Robert Burkhard  
Attorneys: James D. Sherrets and Michael McCormack

Case: Contract  
Specials: Not specified  
Verdict: #1 Plff. \$44,598.37  
Verdict #4 Plff.-Def. ctr. claim  
Verdict #6 Plff.-Def. ctr. claim  
Verdict #7 Defendant \$1,500

### 841-555 Associated Wreckage & Salvage Co. vs. Weikhoist Bros. Excavating and Equipment Co., et al

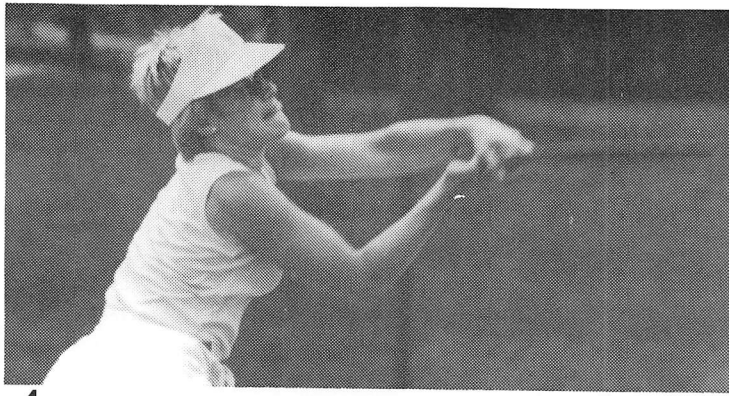
Judge: Robert vs. Burkhard  
Attorneys: John Steele and John Herdzina, Dan Stoller

Case: Contract  
Specials: Not specified  
Verdict: Plff. 1st cause \$3,000, 2nd cause \$3,000  
Plff. 3rd cause \$1,250, Defendant cross \$1,700

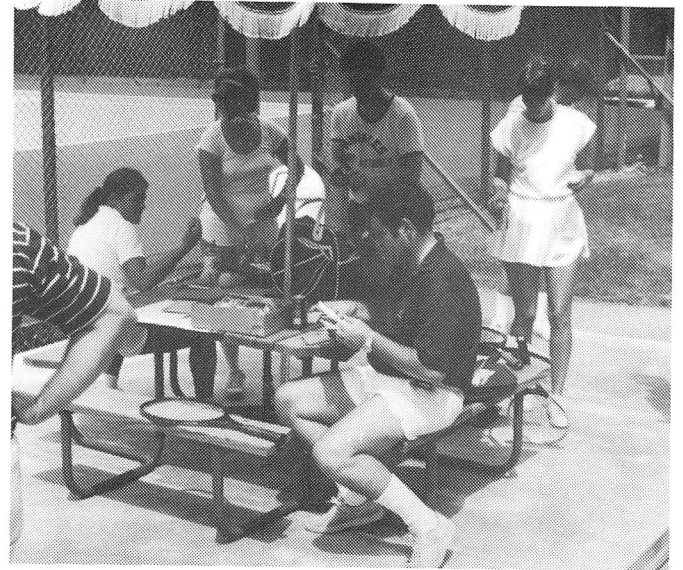
### 830-121 Stanley Auction & Realty Co. et al vs. Conservative S & L Association

Judge: Donald Hamilton  
Attorneys: Robert Mullin, Sr. and William Dittick

Case: Contract  
Specials: Not specified  
Verdict: Count I Defendant  
Count II Plaintiff \$650.00  
Counterclaim Defendant \$2,500.00



1.



2.

# Field Day



3.



4.



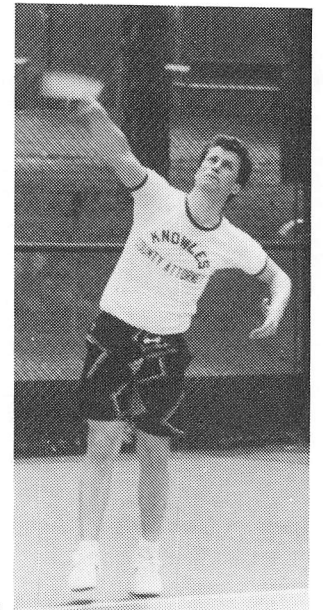
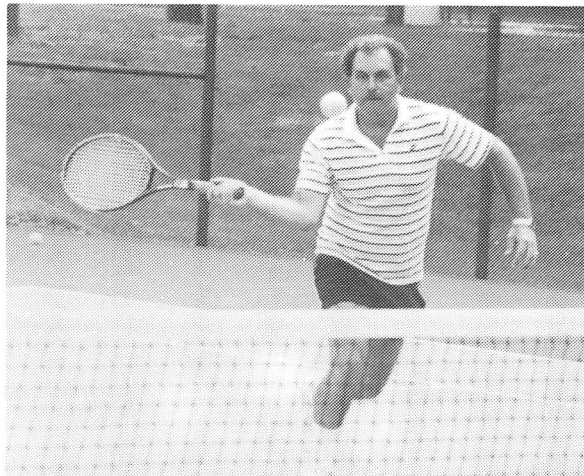
5.



6.

From upper left: 1.The execution of the perfect shot requires one to touch the nose with the tip of the tongue. 2.Sam Jensen checks the schedule to see if he remembered to sign up. 3.Verne Vance, whose undefeated streak now extends back more years than even Judge Burke can remember, offers a young barrister a tip on her return. 4.No, " safe" is not a legal call in tennis. 5.Charlotte Connor asks Judge Troia to kiss her tennis shoes for good luck while 4 others line up eagerly. 6.Trish Dugun, whose last trophy came as a member of Judge Don Ross's clerking staff, eyes the trophies. 7.Judge Troia concentrates on the ball. The rules were changed to allow judges to tee up the ball on each shot this year to improve accuracy. 8.A photo from the Archives of Pinky in his younger days, taken last year (and retouched).

7.



8.

## Race Track Accident Kills Omaha Attorney

A 37-year-old Omaha attorney was killed in an auto racing accident in Elkhart Lake, Wis.

**Dodds** was flown by helicopter to St. Elizabeth Hospital in Appleton Wis.,

**Kenneth R. Dodds**, of 2417 S. 105th Ave., died of head and chest injuries suffered while practicing for a private vintage car race at the Road America race track, said a spokesman for the Sheboygan County Sheriff's Office.

Dodds was flown by helicopter to St. Elizabeth Hospital in Appleton, Wis., after his car ran off the course during practice and crashed, the spokesman said. He was pronounced dead at the hospital.

**Dodds** was a municipal finance lawyer and a partner in the Omaha office of Kutak, Rock & Campbell.

A Kutak spokesman said Dodds joined the firm in June 1977 after his graduation from the University of Kansas Law School. He obtained his undergraduate degree at the University of California-Davis in 1971.

The spokesman said **Dodds**, who was a California native, was unmarried and is survived by parents in California.

He said Dodds was an auto racing enthusiast who had competed in other racing events. Also, **Dodds** served as treasurer of the Advocacy Office for Children and Youth, a local non-profit youth organization.

Track spokesman Lee Hall told the Associated Press that the accident occurred at 5:26 p.m. Saturday during a weekend of practice runs and racing organized by Chicago Historic Races Limited, a group that promotes vintage and historical cars. Hall said no other cars were involved in the accident.

## Nebraska Association of Legal Assistants

On August 19, 1986, the Nebraska Association of Legal Assistants celebrated their 10th birthday with a Wine & Cheese party at the law offices of Erickson & Sederstrom.

To celebrate "Legal Assistants Week," beginning September 15, the Nebraska Association of Legal Assistants hosted a breakfast meeting at the Regency West in Regency.

. . .

Temper is what gets most of us into trouble. Pride is what keeps us there.

## CALENDAR

### Sept.

29-Oct. 10

District Court **JURY SESSION**

### Oct.

8-9-10

16 Thurs.

NSBA **Annual Meeting** — Lincoln, The Cornhusker **OMAHA BAR ASSOCIATION** monthly meeting at Peony Park — Cocktails 5:30/Dinner 6:30

27-Nov. 7

District Court **JURY SESSION**

### Nov.

14 Fri.

20 Thurs.

OLS — **Casino Night**

**OMAHA BAR ASSOCIATION** with CPA's monthly meeting at Peony Park — Coctails 5:30/Dinner 6:30

### Dec.

1-12

12-13

District Court **JURY SESSION**

NCLE **Seminar: Lenders' Liability**, Red Lion Inn, Omaha

## DOUGLAS COUNTY LAW LIBRARY NOTES

Our Wang computer terminal, installed in the Library as a generous gift of the Omaha Bar Association, has resulted in creation of a number of in-house databases, which are available without charge.

These databases include:

Index to the Nebraska advance sheet (accessible by Nebraska or NW cite, topic, plaintiff or defendant)

Index to eighth circuit opinions

Index to published Nebraska federal district court opinions, including bankruptcy cases

Use of the WANG for billing and word processing has greatly expedited many library functions. We are plann-

ing to make available soon a file of Nebraska workmen's compensation rehearing decisions.

A complete file of Nebraska Bankruptcy opinions is maintained in the library. Our index to these opinions is updated regularly.

A survey conducted by the American Association of Law Libraries has revealed that the Douglas County Law Library On-line Research Service is the most successful service of its kind in the country in terms of hours logged and revenue.

For information about our Nebraska Bankruptcy Service or for computerized legal research please call 444-7174.

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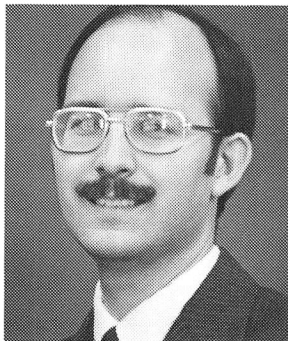
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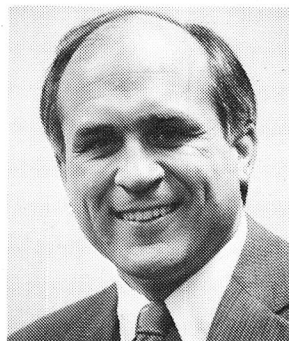
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